THE GROUNDS OF *Obedience* and *Government.*

BEING

The best ANSWER to all that has been lately written in Defence

OF

PASSIVE OBEDIENCE

AND

NON RESISTANCE.

By Father Thomas White, *a Benedictine, Father Confessor to the Queen Mother* Henrietta Maria.

The Third Edition.

LONDON:

Printed, and sold by *A. Baldwin* in *Warwick-Lane.* Price 1 *s.* 6 *d.*

RT HON BLE THOS GRENVILLE

76

J. G. June 12. 1799.

vid. concerning the author
Wood's Athenæ. under ye name
Tho. de Albiis.

Note. this book was written in defence of O. Cromwell's government (who had by some means or other induced the Catholics to support him) and the design of the author was to persuade ye people in general, & the popish party in particular, to acquiesce in the new settlement, without thoughts of restoring the Royal family. vid. pages 98 — 115.

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B L

TO THE

RIGHT HONOURABLE

THE

Lord CLIFFORD

OF

CHUDLEIGH.

My Lord,

THIS Address being without Your Consent or Knowledge, comes to You with the greater Caution and Fear of Offence. There would be

much Matter of Admiration in it, a Dedication from a *Whig* to a *Catholick*, if Your Lordſhip had not diſtinguiſh'd Your ſelf by another Title, that of a good *Engliſhman*; By a Love for *Old England*, and an Abhorence of a Foreign Yoke. Tho I ſhall not preſume to tell Your Lordſhip who I am in this Manner, yet I cannot help telling the World I have the Honour to know Your Lordſhip ſo well, that I am ſatisfy'd there are many Pretenders to a Zeal for the National *Church* and Conſtitution, that wou'd not keep Pace with You in all True Services to Your Country againſt her Enemies, either

either at Home or Abroad, and none that wou'd do more to preserve her Tranquillity and Independence. Your Lordship not being one of those that think *Lewis* the Fourteenth the best Christian and the best Friend in the Universe.

It is a very hard Censure to conclude that none can be *Britains* that are *Romans*. Your Lordship's Generous Example will, I hope, in time wear off that Prejudice that we may be all reconcil'd, at least in our Loyalty to our Sovereign, our Obedience to the Laws, and our Love of one another; that there may be

be no more a Spirit of Bitterness and Persecution among us, but we may look with no other Eye upon one another, but as Countrymen and Fellow Christians. I am,

My Lord,

Your Lordships,

most humble and most

Obedient Servants.

To

To my most honoured and best Friend, Sir Kenelme Digby.

SIR,

THE many Attempts you have this long time made upon me, to declare a Point of Philosophy, wherein partly I was ignorant, and

partly loth to meddle (being mindful of the Poets Admonition, *Incedis per ignes ſuppoſitos cineri doloſo*) have at laſt beaten out of my Reſiſtance, this little Spark of Fire, or rather Light; born, by the Author's Intention, to ſhine, not to burn. For, having by Experience of many our Debates upon ſingle Points, found that ſuch Skirmiſhes were not like to gain the Victory of Satisfaction upon your ſo ſolid Underſtanding; I ſaw my ſelf forc'd to lay before your Eyes, in one Platform or Deſign, the moſt intimate and bottom Principles of Obedience and Government. Which,

I have ſtriv'd to do in the moſt ſhort and ſummary manner I was able: Not willing to be over-curious in ſo awful a Subject. I play therefore the pure Philoſopher. I deliver the Abſtract Notions only: Leaving to the Prudence of Particulars, to draw ſuch Conſequences, as every ones Circumſtances ſhall make neceſſary and evident to him by the ſhort Hints I give. And as for your ſelf, I doubt not but my Time is well employ'd. As for others, I fear the Fortune of my other Writings, may prove conſtant alſo to this; that it will find thoſe, who read it not, or who can-

not judge of it, severe Censurers: And those who like it, fearful to oppose so loud and Clamorous Multitude; or at least, stunned with the adverse Noise. But for this, let the eternal Providence care. To me such Clamours will be no Novelties: But the Content of having given you Satisfaction, an abundant Reward of the Endeavours of,

SIR,

Your true Friend and most obliged Servant,

Thomas White.

THE PREFACE.

THE *Author of this Political Treatise, however disguised in the Original Title, under the Compellation of* Thomas White *Gentleman, was not only of the Communion of the Church of* Rome, *but one of the Fathers of the* Benedictine *Order: The Book was writ at the Request, and for the Satisfaction of the Famous Sir* Kenelme Digby, *a most Learned Political Gentleman of the same Communion, during the* Interregnum; *I mean, between the Death of King* Charles I. *and the Restoration*

ration of his Son King Charles II. *to the Throne of his Anceſtors. The Principles he went upon were ſo ſingular, eſpecially from a Man of his Religion and Order, that it ſoon bore a Second Edition, which was publiſh'd during the* Uſurpation *of* Cromwell, *which yet I ought not to call ſo, according to the Topicks the Author goes upon. The Groundwork upon which he erects his whole Fabrick, is* the Good of the Community, *which naturally leads him, among many other Things, to a Diſquiſition of the Authority of Governours, and the Duty of the Governed. He carries the Point of Obedience to a higher Pitch in ſome Reſpects, than moſt other Writers,*

ters, yet ſhews us in what Conditions Subjects may reſiſt, and wherein their Power and Liberty do conſiſt; but at the ſame Time he diſcovers ſo little Regard to Hereditary Right, *in the ſtrict Senſe of it, that he makes it a Duty incumbent upon a Supream Governor, diſpoſſeſs'd of his Dominions, to acquieſce with a new Settlement, for the Sake of Peace and Welfare of the Publick.*

But how obnoxious ſoever theſe Notions of our Author might appear to be to the Royal Cauſe and Intereſt, then languiſhing in Exile and Deſpair, and againſt which every Hand ſeemed to be lifted up: He was a Man of ſo much

much Gravity, Learning, and true Merit, that he was afterwards admitted to be Father Confessor to the Queen-Mother of England, the Grandmother of her present Majesty, and after her Decease officiated some Years at the Altar in Somerset-House, being much reverenced and honoured by all that knew him, till Death, after he had attained to a good old Age, translated him to another World and State, in or about the Year 1678.

THE

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THE

THE GROUNDS OF *Obedience* and *Government.*

THE First GROUND.

Wherein consists the Perfection of Government.

XEnophon, in his excellent Book of the Instruction of *Cyrus*, moves this Question, Why of all other living Creatures, which are of different Natures from Man, we easily attain to the Mastery and Rule; but few Men are so intelligent as to be fit to govern Men; and those few

are the Higheſt and Worthieſt Part of Mankind? But, to me, the very Queſtion ſeems to bear the Solution in its own Bowels. For, when one asks, why Man is hard to be govern'd ſince he governs other Creatures; he asks, Why one, who has the Power to rule others, is himſelf ſo difficult to be maſter'd: And the anſwer is, becauſe the Power, by which he reduces others to his Obedience, makes him apter to reſiſt them who ſeek the conqueſt of himſelf; and ſo renders it a higher task to weild and manage him, than thoſe Creatures which he has power over.

For, we need not look into Philoſophy, nor ſtudy learned Books, to know that the Nature of Man is inclin'd to have its own will, and caſts all things which are under his Conſideration to compaſs and effect it: As alſo, that every ordinary Man's Knowledge and Conſideration is far beyond any we find in other living Creatures; and, by conſequence, is far leſs eaſily maſterable than any of them.

Whence we may plainly collect, that were it poſſible for a Governour to make every ſingle Perſon in his Dominion particularly underſtand, that what was order'd

der'd by the Government, was his own trueſt Intereſt; ſuch an one would be the moſt abſolute and perfect Governor; and infallibly would find the Charge of Governing moſt eaſie and ſweet, as well to himſelf as to his Subjects.

This Caſe is clear both in Reaſon and Experience. Reaſon ſhews us, that to draw any thing to Action, according to its own Fitneſs and Inclination, is both eaſier to the Attempter, and makes the Action it ſelf more efficaciouſly and throughly perform'd. He that will drive a Wedge into a hard piece of Wood, ſtrives, as far as the Scituation gives him leave, to make his Hammer fall downwards, becauſe a Weight has, of it ſelf, an Inclination that way, and ſo both the Impreſſion is ſtronger and the arm leſs ſtrain'd in knocking; and the very fall of a Weight encreaſing by Motion downwards: Therefore Blackſmiths, whoſe continual labour is to uſe the Hammer, lay their Iron upon their Anvil, that is, in ſuch a Scituation below their Heads, as is moſt fitting to gain the beſt Advantage of the Deſcent of their Hammers, which they firſt raiſe to give them Scope of a Deſcent.

Upon this Principle it is, That they who tutor Dogs, Horſes, Elephants, and Hawks, knowing the ordinary Attractive of Beaſts to be meat and ſome kind of Flattery, make them underſtand, to the proportion of their capacity, that to do the Action they breed them for, gains them Food; to which they join alſo certain Motions of Stroking and Gentle Words, that make an Impreſſion in the Beaſt of its own Excellency, and that it pleaſes its Maſter. In like manner, to deter them from certain Actions, Cudgels, Whips, and harſh Words are uſed; which have a notabler Efficacy then one would eaſily imagine, if he ſaw it not by Experience.

This, now, being apply'd to Mankind, drives the effect Home. For Man, being a rational Creature, (whoſe Inclication it is to work according to Knowledge) deſires to know that the Work preſcrib'd him is good, that is, good for him, or his Good. And becauſe if two Actions be propos'd, whereof the one is better for him than the other, the leſs good Action deprives him of ſome Good which the more good had brought him; his Inclination leads him to do the better, and by conſequence to know

know and diſpute which is the better; which is as much as to chuſe betwixt them; and this we call being *free*, or having natural Liberty to do one and not the other. So that, the Nature of Man is to be *free*; and to act whatever he does, becauſe it ſeems to him the beſt.

Whence it is evidently concluded, that the perfecteſt way and moſt connatural for governing Men, is by making them determine themſelves to their Actions, and to proceed freely, and act, as it were, by their own Inclinations. This if the Governour can effect, he ſhall find both his Intent generally perform'd, becauſe the Subject proceeds with much Affection and Courage; and ſeldom or never will his Commands be reſiſted, or their Obedience repented: For, Men are not wont to repine often at what themſelves chuſe and judge beſt for themſelves; eſpecially if, even after the Action perform'd, and perhaps the Attempt fail'd, yet the Subject remains ſatisfy'd, that it was beſt for him, in theſe Circumſtances, to do what he did: Now, if the Reaſons were ſolid when the Governor propos'd them, ſuch muſt of Neceſſity be, for the moſt part, the Sequel.

Experience makes this as manifeſt as Reaſon concludes it. What Mother or Nurſe does not ſeek to perſwade and win the yet ſucking Child with gay things, with Flattery and ſuch Demonſtrations of Love (that is, of the Child's good) as the Child is capable of? What Maſter or Father draws not his Boys to School and fitting Exerciſes, by Promiſes and Propoſals of good, as Play, good Cheer, fine Cloths, and other Toys ſuitable to their Tempers? The ſtronger Ages have ſtronger Motives; as, of Honour, Lands, Offices, and the like: By which we ſee the moſt part of Men led, not only to Labour, but even to hazard their Lives and thoſe very Goods which are propos'd them for Motives of their Actions.

On the contrary how ill do thoſe Enterpriſes thrive, where the Actors conceive themſelves either not concern'd or wrong'd? How diligently are Excuſes ſought out, and eaſily found, and every cauſe of delay ſufficient? How readily, if the Actors be in great Multitudes (as Soldiers or Scholars) do Seditions and Mutinies ſpring up, and all Diſorders grow bold and ſpread themſelves, the Commander of the Action hated and eſteem'd

eſteem'd an Oppreſſor, and a Tyrant, his Officers ſcorn'd and diſobey'd?

This then is, of all hands, concluded, that the proper and natural way of Government is, by making the Obeyer underſtand that it is his own Profit, which the Action aims at; ſo to make him work out of the Inclination of his own Will, and the Dictates of his own Underſtanding.

THE

Second GROUND.

That the Nature of Man reaches not to the Perfection of Government.

NOtwithſtanding this Inclination be ſo natural to us, yet Nature is not able to make it perfect in moſt both Perſons and Actions. Children are not come to the Ability of judging; ſome others are ſo groſs of Capacity, they cannot be brought to underſtand their own Good, at leaſt in that time and Circumſtances

which Nature has provided them; Moſt ſpend ſo much of their Day in ſome one Buſineſs, which they have choſen either for their Livelihood or Paſtime, that they have not ſufficient Leiſure to attain the Knowledge neceſſary for other Occurrences of their Life: Even the greateſt Wits are not capable to underſtand the Nature of all Things neceſſary to their own private Conditions. The Prince himſelf muſt truſt the Phyſician, the Lawyer, the Mariner, the Soldier, the Merchant, the Cook, the Brewer, the Baker, and divers other Trades and Sciences, which he has no Poſſibility to underſtand ſo perfectly as to be a Maſter in them.

However, Nature does not recede wholly from her Principle, in thus ſubjecting one Man's Underſtanding to another's, and the greater moſt Times to the leſſer. For it does not this, otherwiſe than by making the Party ſubjected ſee, it is his own good to truſt another's Skill. Wherefore, it is true, that he follows his own Inclination, and is rul'd by his own Underſtanding, and ſo governs himſelf; only, he is a Degree higher, not buſying his Thoughts about the particular Work, but only about chuſing the Maſter of the Work,

Work, or about his own Submiſſion, that is, his own Action, as he is a Man, and his Action as that of a Man, and not of a Phyſician or Pilot, or ſuch other particular Diſcipline or Quality. It remains therefore ſtill that he is free, and Maſter of his own Action and the commanding part of it.

THE
Third GROUND.

That a Rational belief is neceſſary to Humane Action.

OF thoſe Things to whoſe Knowledge we cannot our ſelves arrive, but muſt rely on the Credit of others, there are Two kinds; ſome purely to be believ'd, others to be alſo acted. As, when we inform our ſelves of what paſt in ſome Foreign Country, or of the Nature of Trees or Beaſts we never have uſe of; we are barely to aſſent to what is deliver'd: But, when a Phyſician tells us

we must take a Purge, or keep such a Dyet; we do not only believe him but act according to our Belief. Now, tho' in truth this second sort belongs properly to our Discourse apart, because the Nature of pure Belief is intrinsically included in it, as a Part in the Whole; yet we must first note the Errors to be avoided in a meer speculative Assent: And these are Two; one of *Defect*, and one of *Excess*.

The Vice by *Defect*, warns you to believe nothing but what your self understands, that is, indeed to *believe* nothing at all. But were these Men bound to their own Law, that they should take no Physick till they knew it would do them good, at least as well as the Physician does; nor trust their Cause to a Lawyer till they understood the Subtleties as perfectly as he; and so in other Vocations; I doubt they would have neither Health nor Wealth for Physician or Lawyer to work upon.

But, because those who advance this Proposition are Persons of wit, I must not think they stumble at so notorious a Block: Therefore, their Meaning is only, that we ought not to believe, but what we are able to understand if we had

Will

Will and Leiſure to ſtudy. But, even ſo explicated, it is a moſt wilful Propoſition, Reaſon being quite on the oppoſite ſide: For let the Authority which denounces me a Truth, be ſufficient to make it credible, and overvalue the Myſteriouſneſs of the Object; and the higher it is above my Knowledge, the more neceſſity there is of believing it. What is but a little above me, I may eaſily come to know; and ſo need not believe, but take Pains and ſee it: Belief is ordain'd for Truths whoſe direct and immediate evidence we cannot compaſs; and therefore is more proper, more due, more requiſite for ſuch as are above our Knowledge.

But, probably theſe ſmart Perſons do ſuppoſe that all things which have a Poſſibility to be known, are the Subject of Man's Wit; and ſo take theſe Two to ſignifie the ſame Sence, that the Object is ſuch as we are able to underſtand, and that it is underſtandable, or does not couch a Contradiction in its Terms: And perhaps conceive themſelves able to ſhew Contradiction in whatever they refuſe to believe. If this be their Meaning, the Maxim they go upon is ſafe; but they muſt be very careful not to apply it to par-

ticular Inſtances without much Conſideration: For, ordinarily, the Authority is very great which by Underſtanding Men, is alledg'd for remote and high Truths; and ſo is dangerouſly neglected, without an exact Peruſal and Anatomy of the Truths maintain'd by it.

There are others ſo Prodigal of Natural Endowments, that they will teach us a kind of Contempt of Reaſon and Underſtanding: In a word, their Poſition is, That, tho' you be certain the Propoſition made (for ought you know) is falſe, nevertheleſs, you may and ought to think it true: Which how to excuſe, from being an irrational Act and a pure Folly, is beyond my Skill; at the ſame time to be aſſur'd it is uncertain, and to hold it for certain, is, to me, an Impoſſibility. Do I not hold that which I am certain of? That is, that this Truth is uncertain? How then can I hold it is certain? Put this in the Mouth of a Witneſs in any Court of Juſtice, and teach him that, tho' he know certainly he does not perfectly remember whether he ſaw the Man kill'd, yet he may ſwear he ſaw it; what Juſtice will remain uncorrupted?

Paſſion

Paſſion and Precipitation may prevail with us, to judge that clear and evident which is not ſo, and carry us to believe and affirm it; but that Reaſon ſhould make us believe what it tells us, it ſees no ground for, or not ſufficient, is to me, an Aſſertion the moſt unworthy, the moſt contrary to Reaſon, and the moſt biaſs'd by Intereſt that can be imagin'd. If our Nature be rational, if all our Actions ſhould be conformable to our Nature, and govern'd by Reaſon; there cannot be a more pernicious Propoſition, than to tell us we muſt aſſent, when there is no proportion'd Motive to think we ought to aſſent.

Thus much I thought fit to ſay concerning the Errors of belief in Speculation; becauſe belief in Practical Things, and which concerns our Actions, depends on it, and includes it, and is, in part, regulated by the ſame Rules. The believing of Practical Things begins to trench upon the Subject of our main Diſcourſe: For it is the firſt and moſt ſimple or uncompos'd degree of Government and Obedience, and ſo the very Roots of both are dependant from and to be diſcover'd out of it.

For,

For, we Experience by our ordinary Apprehenſions, that we eſteem a Phyſician, a Lawyer, a School-maſter ought to be obey'd, tho' we do not acknowledge in them the Power of a Lord or Magiſtrate. And ſo we ſay, the Scholar will never profit, becauſe he will not do what his Maſter would have him: The Client loſt his Cauſe, becauſe he will not obey his his Counſel: The Patient recovers not, becauſe he follows not the Advice of his Phyſician. And tho' we do not ſay the Doctor or Counſellor commands his Patient or Client, yet, if we look into it, he both rewards and puniſhes, which are the Concomitants of Commanding. For who obeys is rewarded with Learning, Health, and Proſperity, and who diſobeys is puniſh'd with Ignorance, Sickneſs, and Loſs.

THE

THE
Fourth GROUND.

Of the Vertue of Obedience, and wherein it consists.

OUT of this we may easily understand what Nature intends by the Vertue of Obedience, and what are the Limits and Laws of it. For it is plain, the immediate End is that our Works and all that concerns us may be well done, even as to those things wherein our selves have no Skill, or not enough, and the more remote End to be acchiev'd by this, is that our Life may be good and happy, and the End of Nature arriv'd to by us. The Conditions likewise are clear: First, that the Matter of our Actions be such as our selves are not sufficiently skilful in; the second, That our Commander be a Master in that Art; the third, That he be a good and honourable Person, in whom we may rest confidently he will deal with us conformable to his Skill, and not wilfully or for his own Pleasure, or

In-

Intereſt, do any thing againſt our Good and Profit.

If the firſt be wanting, we alſo our ſelves are wanting to our ſelves; for Nature has endow'd us with Reaſon to provide for our own good by this Power: Again, it is Nonſence and Folly to expect another Man ſhould be more careful of our good, then our ſelves; And ſuppoſe it were ſo, it were either our Fault or his, and ſo ought to be mended on one ſide; our Fault, if we be not ſo ſolicitons as we ought to be, that is, as much as the weight of the Affair requires? His, if he be more ſolicitous of our good then the ſame demands, and ſo he who profeſſes ſuch a care may be fear'd to be a buſy Fellow, and one who aims at his own profit under colour of Love, unleſs it be in an evident Neglect of ours, which cannot well be imagin'd of one who is ready to obey another.

If the ſecond Condition be wanting, there can be no Vertue in Obedience, ſince it will nothing mend but rather impair our Life, and to the Import of that Action, deſtroy our Pretence to Happineſs, to ſubmit our ſelves to one who has no more Skill than we, nor can be rationally ſuppos'd to bear us more Love and

Care,

Care, or that he will or ought to imploy himself in our particular Business more attentively than we our selves.

As for the last Condition, without it Obedience is a plain Precipitation of our selves into Misguidance and absolute Ruin, and therefore a pernicious and wicked Practice.

By this Discourse we may understand, it is a fallacious Principle, tho' maintain'd by many, that Obedience is one of the most eminent Vertues, and that it is the greatest Sacrifice we can offer to God, to renounce our own Wills, because our will is the chiefest good we have. For, not denying that Obedience is a great Vertue; it being, truly in it self, the Affection to moderate the Pride of our Understanding, which is subject to make us think too well of our own Opinions, without having Evidence of the truth of them, and so hinder us from candidly seeing and acknowleding the Truth (an Inclination of all others most deeply rooted in our Nature, and both most hard to be conquer'd, and most pernicious to be follow'd) and therefore, the Vertue which tempers and moderates this Passion, must needs be very excellent: Yet I cannot give it so high a Rank, as to prefer it before all. For,

For, I ſee it is only a Vertue in caſe of Imperfection, as Penance and ſome others are; it being grounded on this, that a Man is ignorant in thoſe Matters wherein he ought to be Obedient. But, the Reaſon diſpleaſes me more than the Concluſion: For what ſignifies this, that it is the greateſt good we have and can renounce for God's ſake? If it be a great Good, it is no Vice, no Exceſs, but a Natural Power or Exerciſe of a Power given us by Almighty God; and then would I know, why to renounce ſuch a thing is pleaſing to him. Can we think it were pleaſing to God for any one to bind up his Arms or Legs, or cut off his Hands, pretending to do it for his ſake? He that made them gave them us to uſe; and thereby commanded us to uſe them according to the manner intended by Nature; and, if we do not ſo, we offend him.

There is a Story of *Origen*, that he exſected his Virility, thinking to pleaſe God; but the ſame Story ſays, he was reprov'd by the whole Church, and excommunicated for the Fact: *Simeon Styletes* is reported to have chain'd himſelf upon a Hill, that he might not go thence; but he was taught that ſuch Impotency

potency was fit for Beasts, not Men. So that, to renounce any natural Faculty or the legitimate and fitting Use of it, under Pretence of pleasing God, is a Folly, not a Vertue.

But, let us see what Power it is that we must renounce; *Our Will:* And this Word does not, in this place, signifie any interested Affection or malicious Resolution; but that Will which follows and is guided by our Understanding, and that Truth which God has made us capable of: Therefore the renouncing of this will, is, withal, the renouncing of our Understanding; that is, of our Wits and Manhood; so that it is in effect to renounce our Rationality, and that by which we are the Image of God. If any Man should take a Fancy to go upon all Four like a Beast, or subject himself to be led in a String like a Bear about the Country; would not all Wise Men cry out on him for Bestiality, and think him unworthy the Conversation of Men? How much greater is the Indignity of him who permits himself to be carried in his whole Course of Life, and those Actions that most concern him, without using that Wit or Understanding which he has, and by the sole Direction of another.

He

He can be accounted so far no better then a Clock or Watch, which tells the Hour by the Wit and Industry of the Maker, not by any Sence or Worth of its own. If therefore, to renounce our Wills for God's Sake be to be accounted a Sacrifice; as far as my Understanding reaches, it is no other than that the Scripture expresses upon another Occasion to wit, one by which the Affections are sacrific'd to the Father, the Image of God defac'd to the Glory of him whose Image it is.

THE
Fifth GROUND.

That Fidelity is different from Obedience; and in what it consists.

BUT leaving this Mistake of Simple Devotion; of which we need not have spoken so much, had there not depended on it some Matter of greater Consequence (as the following Discourse will manifest in its due place:) we are to take

take notice of an Equivocation which may draw on ſome Error if not prevented. We uſe to ſay Serving-men and Waiting-maids ought to be obedient to their Maſters and Miſtreſſes, whereas indeed, the Vertue by which they ſerve is not that of Obedience, but of Fidelity and Truth, which is manifeſt to him that looks into the Nature of Hirelings. For, none think a Husbandman, who is hir'd to Till or Fence a piece of ground, obeys the Hirer more than he that Sells a Piece of Cloth or other Merchandize obeys the Buyer, becauſe he takes his Money; but they are ſaid to contract and perform their part of the Bargain faithfully and truly. So Servants pay their Duties, perform their Bargains: And Fidelity is their proper Vertue; to do it carefully, and uprightly; not Obedience.

For, Obedience is in ſuch Actions as are the proper Actions of the Obeyer, which concern his Life, and by which he may derive good, if well done, and harm if amiſs. Now in Servants the good Succeſs pertains to the Maſter, the Servant has his Livelihood and Wages, whether the Event go right or wrong, ſo he do what his Maſter commands. And hence it follows,

lows, that neither ought he be Ignorant in the Action he doth, nor Sollicitous whether his Master be either Skilful or Honest: For, since what is done, concerns not him but his Master, his Duty is to seek to do what he is commanded, in the best way he can, without interesting himself about the Success. This I say, as far as he is a Serving-Man; but as he is also an Honest Man, it may belong to him to suggest to his Master what he thinks best; and, sometimes when it lies haply in his way, to help such Errors of his Master as he can; without trenching on his Master's Credit; still providing for his own Indempnity, that he be not involv'd in his Masters, either Imprudence or Iniquity; for by his Bargain with his Master, he did not renounce the Care of his own Preservation.

The Reason of this Equivocation is, because we ordinarily call *Obeying*, the doing another Man's Will; and distinguish not how sometimes this is done, with renouncing our own Wills, which is in those Actions whereof we are Masters, that is, our own Actions; and sometimes without such Renunciation, as in the Actions which belong to others, in which we

we have no Will to renounce. Now Obedience, as it is a Virtue eſpecially attending on the renouncing of our Wills, is properly confin'd to the former Senſe, not to the other; with which it only hath an Alliance in the Name, and which truly is Fidelity, as we have already declar'd.

But though Fidelity be a diſtinct Virtue from Obedience, yet is it not ſuch a Stranger, as not to demand a Place in this Treatiſe; eſpecially becauſe the kind of Obedience we deſire to look into, which is that by which Common-Wealths and Communities ſubſiſt, is founded generally on Fidelity, or the Matter thereof which we call *Promiſe*, and in Virtue of it, binds to Obſervance. After which Diſcourſe, we ſhall be prepar'd to venture on the Matter it ſelf of Government, and to our Power, declare the Force of it amongſt Men.

Man therefore being by his Nature and Definition, a Reaſonable, that is, an Underſtanding Creature, or one whoſe Primary and Principal Inclination is to Truth or true Knowledge; and the outward Carriage and Action of Man, being naturally proportionable to his inward Subſtance, it is clear his chief Property

Property, by which he behaves himſelf outwardly like a Man, is to ſpeak Truth, and to do as he ſays, when his Words have Action following them. Hence it is, that though *Honeſty*, (which in a Courtlier Term is called *Honour*, when applied to a Rational Carriage, and in a more Spiritual Language, *Conſcience*) be extended to many other Qualities, yet it is moſt frequently and principally expected in his keeping his Word; in ſo much, that though he have other Faults either Spiritual or Carnal, yet if he be *True of his Word*, he often, and in ordinary Converſation, paſſeth for an *Honeſt Man*.

Again, this Virtne of *Truth*, is the Principal and firſt Engine of Human Converſation; and he that hath it not, is unfit to be admitted to treat amongſt Men, but is to be rejected, and baniſh'd from all Negotiation. Thus you ſee what Engagement every one hath, both by Nature, and Neceſſity of Converſation, to ſtand upon his Word or Fidelity; for ſo we call the Virtue by which we ſpeak our Mind, in reference to Action, and are conſtant to perform what we ſay.

Yet

Yet, ſince Malice is grown to ſuch a height, all Nations, who pretend to the fear of any Deity, have uſed to make Men confirm their Faith and Promiſe by the Invocation of the Deity they worſhip; hoping Religion may work in them what Nature is not ſtrong enough to effect. This Confirmation is performed in Two ſorts: One, when we only call God to witneſs; as when we ſay, God, who ſees my Heart, knows this to be truth, or that I mean as I ſpeak: The other, when we pledge our truſt or God for a Security; as when we wiſh God may puniſh us, or never do us good, if we break our Promiſe. And this is properly an Execration, as the other an Oath; yet both called Oaths, and agree in this, that we pledge our belief and fear of God, to another, for his Security.

By which it is evident, that Men generally eſteem Religion the thing which ſhould pierce deepeſt into a Man's Heart and Affection; and the ſtrongeſt Bond and tie of Faith and Honeſty; and that he, who ſetteth little by his Religion, hath neither Honour nor Honeſty in him; or at leaſt wants the greateſt and ſtrongeſt part of them, and that which ought to Rivet in and fix the natural Inclina-

tion which we have to Truth and Fidelity.

THE
Sixth GROUND.

In what conſiſts Right or Due.

THE next Conſideration may appear too Metaphyſical a Subtilty for a Moral Treatiſe: Yet ſuch it is, that the Ignorance of it is Mother of many Miſtakes and Quarrels, we ought therefore, to know that a Man, conſider'd in pure Nature, looks on all other Things, Men and Beaſts, and inſenſible Creatures, as his Subjects to work on; his only Rule being Reaſon, which takes nothing to be good but what is good to himſelf; and makes the Rule of his Actions, to do what is fitting for him or conformable to his, that is, to a Rational Nature. By this Rule he treats another Man, otherwiſe than a Horſe or a Dog, and them otherwiſe than a Tree or Stone:

Stone: For Reaſon is a Faculty to uſe every thing ſutably to their Natures; as to take a Knife to cut, a Horſe to ride on, a Man to read or write or be his Counſellor. And this runs through all his Actions.

But as, tho' a Taylor or Mariner govern himſelf by his Rule, even when he plays the Taylor or Pilot, yet none can doubt but the Rules of Taylorſhip or Steerage are different from this ſeeking his own Good, and applying all things to that End: So, neither can any juſtly doubt but the Art of a Lawyer or Councellor is different from this Principle which belongs to all Men.

And to find out the difference, we are to reflect, that he who makes a Promiſe to another, ſo it be a perfect one (which we add to decline the Queſtion of what Promiſes oblige, what not) puts himſelf and his Promiſſary into a Rank of Agency and Patiency, on a new Score, to wit, that of Fidelity and Negotiating: So that now, not the Nature of the Two Men, but their Words, and what follows out of them, ground their being active and paſſive. This Power of Activity is in *Latin*, called *Jus* or *Juſtum*, in *Engliſh*, Right or Due.

The difference of these two Arts is, One considers only what is noble, and manly, and Conscience; the other, what is according to Promise and Consent of Parties. Whence we find, by the virtue of a Promise, a new Order grown amongst Men following out of Promises: Wherein three things are to be considered; The Engagement of Nature and Honesty; The Confirmation by Oath; and lastly, This Right and Duty which ariseth from the Promise: For, whoever promiseth, submits himself to his promissary, and becomes his Subject, as far as the Contract reaches.

The first Mistake that springs from the Ignorance of this difference is, the great Noise we hear of the Law of Nature, and the Law of Nations. For, we are made to imagine that Nature hath bound us to certain Laws, and not left us to the Liberty of Reason, where no Pacts or Agreements intervene: As, that Men ought to give free Trade, to leave the Seas open, to give Immunities to Ambassadors, and the like: For these either depend on Custom and Consent, or are free for every Man to dispose of, according to his own Profit, Necessity, or Convenience of his Affairs.

It

It is true, there is an Inclination in Man, from Reaſon, to do another any good I can without my own Prejudice, and to have a deſire to keep Peace with all Men: But if I do not, it follows not that I wrong him, even though I do him harm or ſeek his Ruin; But I wrong my ſelf, Nature binding me to make my Carriage to every one rational and becoming a Man: For he is no otherwiſe to me than a piece of Cloath or Wood, which I cut and ſhape after my own Will, fittingly for my uſe. And, on the contrary ſide, the Party prejudiced or refuſed a Courteſie, gets no right over me to revenge himſelf: But Nature and Reaſon teaches him, peradventure, that it is good and prudent for him to hurt me, to prevent a greater Miſchief to himſelf; and he doth right to himſelf in harming me, becauſe he doth an Action rational and ſutable to Manhood.

The different Conſequences of the Two Poſitions, will appear in this: That, if there be, in Nature, radicated ſuch an order of Right and naturally juſt or due (as many hold) it is a thing that Reaſon can never infringe, nor can any thing juſtify what God hath ſhewed us by Example, and we ſee wiſe Politicians practiſe

ſometimes, when, without Crime or Offence offered, they make themſelves Maſters of convenient Places: But, if there be no ſuch Right by Nature, then Reaſon is left Miſtreſs to judge whether it be conformable to the Nobility of Man to do ſuch an Action or no.

THE

Seventh GROUND.

Why Men deſire to live in Community; and of the Neceſſity of Government.

NOt to make the Foundations or underground Works bigger than our Building: It is time to enter upon our pretended Subject of *Government* and *Obedience*, and examine what it is maketh Government neceſſary to Mankind. And becauſe the Government we look upon is that of a Multitude; firſt it is fit to under-

derſtand why Men deſire to live in Flocks or Multitudes. Neither can any who hath never ſo little Skill in Nature doubt, but, as Pleaſure maſters and heads all our Actions, ſo likewiſe doth it this of living in Society.

The firſt Community is of Man and Wife. Who ſeeth not the Power of Pleaſure in their mutual Society? *Ariſtotle*, out of Experience, teacheth us that we take Pleaſure in converſing with handſome Perſons. And if we conſider pleaſure to be nothing bnt the Knowledge or Sence of our being well, or receiving ſome Good; and, that the immediate Cauſe of Pleaſure is the Impreſſion which ſome natural or apprehended Good maketh of its own Preſence; and that *Good* ſignifieth connatural or fitting for us; we ſhall perceive that Handſomeneſs in our own Kind muſt of Neceſſity cauſe Pleaſure in us; the Impreſſion it makes by our Eyes, being of the Features and Colour due to the Perfection of our Nature; a gracefulneſs, not only of Geſture and Voice, but even of Wit and Diſcourſe being regularly the Ground of the outward Beauty. So that (if Nature hath not miſcarried) all the Parts and Actions of a beautiful Body

Body are graceful to Nature, and breed Pleaſure in others who enjoy them by Converſation, and, as it were, Communication.

This then is the firſt Origine of meeting and living together; as, whoſoever looks into Experience will eaſily diſcover: For, he will find moſt Men burthenſome to themſelves when they are alone, and to ſeek Company to divert themſelves, ſo to elude the Length of time. I remember to have heard a Country Fellow complain of the loſs of a Dog which was ſtollen from him; and gave for his Reaſon, that he was to travel a whole Night alone, and the Dog would have been an excellent Companion to him. Bees alſo, we know, love Company. Horſes not only labour, but even eat better amongſt their Fellows: and we often hear ſickly Stomachs thank thoſe that viſit them for the good Meal they have made, as if the Company helped down their Meat. Pleaſure therefore and Love is the firſt combiner of Men into Society.

The next is, that God and Nature have ſo managed Mankind, that no one hath of himſelf, as much as he deſireth; but regularly aboundeth in one kind of Goods,

Goods, and wants ſome other which his Neighbour hath; Hence, they mutually affect Society; to be accommodated with ſuch Neceſſaries, as they cannot have but by Communication one with another.

In the third Place comes Fear; for he that finde h himſelf ſtored with thoſe Things which he and others love, is ſubject to fear thoſe whom he ſuſpecteth able to bereave him of them; and ſo ſeeketh company of Friends for Protection. Nor doth any one fear to loſe but what he affecteth to have; ſo that firſt, Love marcheth in the Van, and fear followeth in the Rear. Beſides, it is againſt all Generoſity, and embaſes Nature it ſelf, to ſet the Throne of Fear above that of Love; and agreeth neither with Philoſophy nor Morality.

To make a ſtep farther: Granting once Men to be deſirous to live together, and taking notice of the Paſſions they are ſubject to, and how ſelf-love corrupteth the Judgment of almoſt all in their own caſe; it is evident they can never live in Quiet and Content, unleſs there be ſome way contrived of Agreement, when Paſſion ſtirreth Contention. They muſt therefore, neceſſarily, give conſent, to

end their Controverſies by ſome means. And ſince reaſon is our Nature; and every one's Reaſon freer to ſee the Truth in another's caſe than in his own; and a wiſe and good Man fitter then a Fool or Knave, the moſt natural way for a Multitude to live in Peace, is to have ſome Man or Men, accounted wiſe and good, choſen, to whoſe Arbitrament all the reſt ought to ſtand; the ſtronger part combining to force the weaker, in caſe of reſiſtance; that is, the diſintereſted part, which is the Multitude, to force the intereſted, which generally are but Particulars, if compared to the Body of the People.

Here you ſee the nature of Government begins to appear. But, to make it perfect, we muſt farther conſider, That many Commodities are neceſſary to a Multitude, which are to be furniſhed by common Conſent: That likewiſe there are many Foreign Enviers to a Multitude which liveth handſomely and happily: And in Concluſion, that to provide for Good, and prevent Evils in common, is a matter of ſo great Weight and Difficulty, that it taketh up the whole Life of one or more Men; and by conſequence, theſe Buſineſſes cannot be carried on by the

the whole Body of the Community, whoſe Work and Aim is to enjoy themſelves to their Proportion, in getting by their Labour, thoſe Accommodations of human Life, which they eſteem neceſſary, or conducing to their Happineſs. It followeth therefore, they muſt entruſt ſome more or fewer to take care of the common Concernments

Such Truſtees are call'd Governors, and the Community is ſaid to obey them; and according to the Principles aforeſaid, you ſee the People are ſuppoſed ignorant of what ought to be done for the Publick, this being a Buſineſs requiring a Man's whole time; which they neither can ſpare, nor do deſire to Employ in this way: You ſee they entruſt others in whoſe Prudence and Goodneſs they confide; and themſelves execute what their Truſtees think fitting, either by practiſing when they are commanded, or giving a ſufficient Force to their Governours to maſter ſuch reſtif Parties as will not obey; In concluſion, you ſee Government is, naturally, a Power or Right of directing the common Affairs of a Multitude, by a voluntary Submiſſion of the Communities Wills to the Will of the Governors, whom they truſt, upon

on an Opinion that they are understanding and honest, and will administer the Commonalty by the Rules of Wisdom and Goodness, as is most convenient and Advantageous for the People.

It seems to me no moderate and discreet Person can doubt but a Government so ordered, is both necessary and connatural to a rational Multitude, and, in a Word, such as humane Nature requires; and is the best, if not the only, that suits to the Disposition of free Men and prudent.

THE Eighth GROUND.

Of the Authority given to an absolute Governour; and of under Sorts of Government.

BY this Resignation of the People's Will, it is also evident, the Magistracy which receives such an Activity and Power as we have explicated before, did arise out of a Man's Promise to his Neighbour;

bour: and by Conſequence, that the People as far as they have renounced their own Will, ſo far they have no Power left in them to contradict or reſiſt the Orders of the Magiſtracy.

I ſay, as far as the People have ſubmitted their Wills: for ſince this Power is in the Magiſtrate in vertue of their Wills, it cannot extend farther then the People's Promiſe: So that if the People bind their Magiſtrates to certain Laws and Limits; he hath no right to tranſgreſs ſuch Laws, or extend himſelf beyond the prefixed Limits, by his Inſtalment, and the original Power given him; but above all, he cannot diſpoſe of one chip, or diſpenſe in one the leaſt Law; farther then he apprehends it as fit and neceſſary to the good of the Commonwealth: and, if he doth, he exceedeth his Patent and Power. True it is, there is a great Diſcretion to be uſed in ſuch Limits, and the prudent Governour will ſee that the good of the Community requireth many of thoſe Diſpenſations, which careleſs Governours uſe out of an overweening of their own Height and Power.

Having thus declared the Nature and Conditions of natural Government: it

is not amiſs to ſee whether there be any other Government; and wherein diſtinguiſhed from this. And caſting our Eyes round about us, we quickly perceive certain Communities which pretend to a defective Government: as Companies of Merchants or Tradeſmen, Univerſities and Colledges of Schollars, and Cloyſters of Men and Women, who pretend to employ themſelves wholly to perfect their Souls toward eternal Beatitude. All theſe have a Participation of Government; but have not the univerſal Adminiſtration of humane Goods and Evils: For, Power of Life and Death, generally they have none; and are ſubject, for the moſt part, to appeals from their Judgments, in Matters of great Conſequence: Neither have they any Power of Peace and War: And if ſometimes any of theſe Royalties belong to them, it is not as they are Heads of ſuch Communities, but as they participate of Sovereignty by Priviledge, or Accident.

Theſe therefore are diſtinguiſhed from the Government we pretend to declare, as being ſlight Imitations of it, and certain likeneſſes, not the Power it ſelf; or as ſome Art or Trade is different from Moral Philoſophy, which is Miſtreſs of the

the Will, and all her Actions; the others being but Ushers to the particular, as it were Forms or Ranks in which pretty Things are taught. In fine, these others are to our Government, as Particulars to the Universal. The Government therefore which we explicate is that which hath Power, either of all things belonging to the People it governeth; or at least, all comprehensible by Nature and falling under Sence and Experience. The first of these we see in the *Pope*, and such *Bishops* as are withal *Secular Princes*; the second, in other Christian Governments, either of Princes or Common-wealths, where the Spiritual Jurisdiction is acknowledged to be higher and greater, though not commander of the Temporal.

But we seek farther, whether there be any supreme Government different from this we explicate, or no: And the occasion is from what we see in certain Instances, that there is a kind of Command, or rather Subjection, which we call Slavery, exercised, not only amongst Heathens, but even Christians, who have more Conformity to Nature.

THE

THE Ninth GROUND.

Of Slavery, and the Lawfulneſs of it.

AND firſt, we muſt look into the Notion of Slavery, which ſignifies a Subjection to command in all things; and that meerly for the Maſter's Profit. This *all things* may either reach to the hindering him from thoſe Actions which are neceſſary to obtain Beatitude; or only to corporal Services, with that Moderation, that the Maſter hinders him from ſuch Exerciſes as concern the Procurement of future Happineſs.

And clearly, it is againſt Nature for any to ſubmit his Will ſo far as to renounce eternal Bliſs. There cannot, then, be any Obedience due to ſuch an Extremity; and, by Conſequence, there cannot be any Power of commanding ſuch Enormities in the compaſs of Nature. The like I conceive of a Subjection to be killed or maimed cauſeleſly, and without Deſert, or even tormented; nay, or ſo penuriouſly abuſed as to have no

no Content in Life; but perpetually to ſuffer Sickneſs, Hunger, Cold, or any other notably afflictive Condition, ſo that his Life is rather a Puniſhment then a content to him. For ſince Life is our Being, and ſince Being is the thing moſt deeply recommended to us by Nature, it is evidently againſt the Inclination of Nature, to conſent to the loſs either of Life, or the Profit of Life, which is, either to be well in this World or in the next; therefore it cannot be conformable to Nature to renounce either; eſpecially, the Quiet in this World being the means to gain Bliſs in the other.

Neither doth it ſcare me to caſt my Eyes upon ſo many holy Men and Women, as have put themſelves, voluntarily, upon penurious and painful Lives. For, I can eaſily anſwer, that they had not diſpleaſing Lives; enjoying the Fruit of Contemplation, and the Sweetneſs of Conſcience in expecting a great Reward for what they did: So that, they only refuſed the Pleaſures of this World, to gain thoſe of the next, which is very rational. But, for a Man to renonnce the content of this World, who either thinks not of another, or, at leaſt, hopeth nothing out of his Renunciation; this

this muſt of Neceſſity be extremely irrational, and againſt Nature, whoſe univerſal Aims are, to be well, either in the next or this preſent Life. But if there be no ſuch Subjection natural, there can as little be any Power of Command gotten either by Promiſe and Submiſſion of the Subject, or Violence of the Commander, who may perforce do what he liſt, but can never make it conformable to Nature, to uſe another with ſuch inhumane Severity.

There follows yet another kind of Slavery, which conſiſteth in being bound to what his Maſter commandeth, while his Maſter affords him a convenient livelyhood; and being ſubject to due Puniſhment, without farther appeal, when he deſerveth it. And this hath no apparent oppoſition to Nature; why, in Circumſtances, a Man may not bind himſelf to it, and be obliged to maintain and make good his Word to his dying Day. And, of ſuch kind of Slavery, we may queſtion, Whether Nature alloweth a whole People to be involved in it, or it be a thing that only can happen accidentally in Nature.

And *Ariſtotle* is the firſt Man whom we are engaged to offend in this matter: who ſays or ſeems to ſay, That ſome Nations are naturally Maſters and Commanders, others, Slaves and Subjects: To which Conceit *Virgil* ſeems alſo to incline;

Tu regere imperio populos Romane memento, &c,
Hæ tibi erunt artes———

As if it were proper to that Country to command. Neither do I think *Ariſtotle*'s Meaning was any more, than that there was a greater fitneſs in ſome Nations to command, then in others; for, himſelf teacheth, the barbarous Priſoners, whoſe Education had been Noble, ſhould not be put to ſervile Offices. So that, it was but a little ſelf-pleaſing in theſe two great Authors, and Affection towards their Countries, which made them fall into this Extremity, of think-it fit that other Nations ſhould ſubmit to theirs: Whereas, had they lived in our Days, long Experience would have taught them, that in every Nation, there are Men fit to Govern, if Education and Diſcipline be not wanting; And again,

any

any Nation may prove a Slave, even through too much Wit, if they have not Goodneſs to temper it. But we muſt not be angry, even with great ones, if they flatter a little their Country; but take warning it be not our own caſe, either for our Country, or, which is more abſurd, for our ſelves.

Leaving then this Queſtion, Whether any Nation be, by Nature, born and deſigned to Slavery? Let us ſee whether, within the Latitude of Nature, it conſiſts that any Nation can enſlave it ſelf in the Sence propounded. I do not here intend to engage in that Queſtion; Whether one Nation may oppreſs another, and, by force of Garriſons and Armies, keep them quiet in a Legitimate Courſe of Government and Subjection? A Queſtion much different from ours, which is only, Whether a whole Nation may voluntarily ſubmit itſelf to a Government, by which it ſhall have nothing of its own, nor be able to deſerve or get any thing; but be entirely at the Diſpoſition of the Magiſtrate it chuſeth, without Right or Property?

That we may not walk too much in the dark, the holy Scripture holds us out a Lanthorn, in the Example of *Joſeph*;

Joſeph; who bought up the whole Nation of *Egypt* for *Pharoah* their King, ſo that he rendred him not only the Governor as before, but alſo abſolute Lord and Maſter, and them his Slaves; and this by their Conſent. Nevertheleſs, I am not able to underſtand Reaſon in it. To put therefore the Caſe clearly, the Meaning is; Whether a whole Nation can tie itſelf ſo by any Promiſe to one Magiſtrate, as afterward to be bound, they and their Children, in force of their Words, not to have or diſpoſe of their Labours and Goods of Fortune but at the pleaſure of the Magiſtrate, and that he hath Power, Arbitrarily, and without any farther Reaſon than his own Will, to give what one Man poſſeſſes to another, and make any one work and obey another, meerly becauſe ſuch is his Pleaſure.

That which induces me to declare for the Negative is the Nature of Man; whoſe firſt and main Operation, is Judgment and Choice; and the Matter of this is his outward Action: So that, who univerſally renounces his Judgment in extern Action, truly renounces Nature itſelf, in renouncing the End and Action for which it was made. Now, that

that a ſingle Man may be forced to this, I make no Difficulty: For, if Force can take away a ſingle Man's Life, much more may it take away his outward Action. But, when I ſpeak of a Nation, methinks I ſpeak of Nature itſelf: For, I underſtand a Nation to ſignifie a Thing in nothing different from Human Nature, except in Greatneſs; as a Bit of Bread from a Loaf, or a Pail of Water from the Pond out of which it was taken; and ſo, Reaſon cannot teach us to do that to a Nation, which ought not to be done to all Human Kind. Now, who abhorrs not to think that the Uſe of Judgment and Will ſhould be baniſh'd out of Mankind? Were not that quite to unman us and bebeaſt our whole Nature? On the other ſide, it being the Property of Reaſon to uſe every thing it knows, according as it is fitting to the reſpective Nature of the Thing; and nothing being more fitting for Man in common and every one in particular, than to judge and govern in his little Sphear of Activity; Reaſon can never demand or approve of the contrary to be practis'd univerſally; as is imply'd in this Poſition, that it may be done to a whole Nation.

I look not into the Inconveniences of ſuch Proceeding: How baſe and unworthy it renders the Subjects; how unfit for the Service of the Magiſtrate; how ready to accept of any Occaſion to better themſelves, and the like; which are ſufficient to dehort any wiſe Governor from attempting or deſiring it; becauſe my Theam is only upon the contracting an Obligation of Obedience, out of the force of their Promiſe; and extends no further. And, I ſuppoſe, the ſhewing that ſuch a Promiſe invalidates the principle upon which a Promiſe grounds its Conſtancy, is enough, to ſhew that no Promiſe ſo made can be conſtant and firm; ſince a Man ſtands to his word, becauſe he is a Man, and hath a Principle of Judgment or Choice upon Judgment, by which and according to which he is and ought to be govern'd: Now then, ſuch a Promiſe being a renouncing and bereaving him of this his manlineſs; it cannot aſſuredly be maintain'd by manlineſs which is the only or chief Strength of a Promiſe.

But, what muſt we reply to *Joſeph?* What to many Thouſands of eminent Chriſtians, who ſeem to profeſs and obſerve, in vertue of a Vow, this very kind

kind of Subjection? As for *Joseph*, he justifies himself, in renouncing the Vassallage of his People for one fifth part of their Lands and Fruits. And, not to make an Estimate, how proportionable the fifth of a Kingdom is to the furnishing of Necessaries for governing; so much at least is plain, that by his Remission of Four Parts absolutely, that is, for ever, he did not execute what he pretended by the Bargain; but, by the Formality of all, he obtain'd what he aim'd at. That the People should willingly contribute the fifth part of their Labour and Goods generally, and, in case of necessity, willingly obey their Governor.

As for the special Obedience vowed by some Christians of exemplary Life, it is professedly, only concerning spiritual Instruction or Exercise, even then when it is applied to the Knights Champions of *Christendom*; and this is expressed by the greatest Divine the School ever had, in his 22*d*. *Qu.* 104. *Art.* 5. *ad tertiam.* So that, neither of these Objections prejudice the Conclusion we have setled; However the outward undiscerned shew may make an Appearance to the contrary.

Out

Out of this Concluſion it is eaſily ſeen, that the *Turkiſh*, *Muſcovitical*, *Tartarian*, and other whatſoever Governments, ſettled upon this Principle, That the Goods and Lives of the Subjects are the Princes, not to defend (as our Laws go) but to diſpoſe of at will, without Contradiction or Limitation, more than of his Pleaſure; neither do, nor can ever breed any Obligation of Obedience in the Subject, farther than out of fear or preſent Utility.

It is not amiſs to add this Conſideration, That thoſe Tyrannical Governours exact of their Subjects no leſs than to forego all that is dear in this World, at their Pleaſures, Life and Means, Wife and Children, and whatſoever hath made Impreſſion on them: So that, truly, there is no Protection or Security from them; and if they rob you not, it is becauſe they have no occaſion, not becauſe they conceive any unworthineſs in it. Whence, no Good nor Profit doth, regularly and according to the Intention of the Pact and Agreement, reſult to the particular; but all is the high Maſters, and the Subjects Portion is only to ſhare thoſe Scraps he ſhall caſt down to him, as

to a Dog, to make him fit to hunt for his Maſter.

THE
Tenth GROUND.

Why a Man is to hazard himſelf for the common Good.

IT is true, this Debt in the Subject, of hazarding Life and Limbs, and all that is eſtimable in this World, is exacted, as well in juſt and legitimate Governments, as in thoſe hideous Tyrannies: But, there is a Recompence for it, and the good of the whole reflecteth on the part; and if one loſe his Life, his Children and Relations, at laſt feel the Sweetneſs of it; and this makes Men hazard with Courage, and die with Comfort. And cleerly, were there not this Obligation, no Commonwealth could ſtand. What City could be defended, if the Citizens would not venture their Lives upon the Walls? What Army could

could be managed, if the Soldier would never be brought into the danger of Death, or would fly as ſoon as the Bullets began to play about his Ears? All Wrongs muſt be ſuffered at their Hands who would expoſe their own Lives to hurt others; and no Juſtice maintained, or Innocency defended. Nature therefore makes it moſt clear that ſuch an Obligation is unavoidable, and the daily neceſſity of it beateth it out ſo flat and plain, that we can no way eſcape ſo manifeſt an Evidence.

But if it be by the Direction of Nature, certainly it is alſo rational, and hath ſome Principles of its Truth and Reaſonableneſs. Now, in Morality, the Reaſon of all Action is the Good obtainable by it; which if leſs, or not greater than what we hazard, and, peradventure, loſe in the Attempt, it is no Good, nor can be a rational Motive of ſuch an Action. We ought therefore to ſeek out this great Good.

Ariſtotle proceeds as cunningly in this Buſineſs as became ſo wiſe a Maſter; and according to his Faſhion, where his Skill reached not to explicate the Particulars, remained in common Terms; telling us, That *Bonum commune divinius*

eſt quam particulare: But, in what this Divinity conſiſts, he no where expreſſes. Truly, if there were a *Platonick Idea* of the particular Goods, which might be term'd the common Good, I could underſtand that there were a Divinity in it; but himſelf hath extinguiſh'd that Flaſh of *Plato*'s, beyond reviving. I underſtand alſo, that the Notion of *common*, compar'd to the Notion of *individual*, hath a kind of Excellency by its Univerſality, which renders it very Auguſt and Luſtrous, and of a higher Degree than the particular. I know again the Perpetuity a Commonwealth pretends to, compar'd to the Mortality of a ſingle Perſon, veſts itſelf with a kind of Infinity, which gives it a glorious Appearance. Nay, when I ſee the ſame Man work for a Commonwealth, in a free way of doing it good; and again, for a private Friend: I ſee a vaſt diſtance between his pretended Ends; and in eminent Generoſity in one over the other. Whence, I believe, it comes that *Heroes* and Heroical Vertues are chiefly taken in reſpect of doing good to whole Countries and Cities.

But when on the other ſide, I ſee the ſame great Maſter teach us, that Good is

is the ſame with Deſirable; and every ones good, what is deſirable to him; I find it is an intricate Labyrinth of Equivocation wherein we endleſly err, while we think that Good taken in common, ſhould be accounted Good, truly and properly, as who would be ſo wild as to bend any ſtrong labour here in *England* to profit the King of *Perſia* or *Siam*, if he expected no good to reflect on himſelf by it? Much leſs would any account it good to be robb'd or maim'd, becauſe it was good to another who poſſeſs'd his Money or was afraid of him: And yet if we ſtick upon the common Notion of good, without determining to whom it is good, both theſe muſt be eſteem'd not only Goods but great ones; for, ſo they are to ſome Body, tho' nothing, or harm to the Eſteemer. Then to cry, *The Common Good*, is a meer Deceit and Flattery of Words; unleſs we can ſhew that the common good is as great to us as we make it ſound.

Neither can the Authority of learned Nations, and the many Endeavours of Worthy Men perſwade us the contrary. For theſe Nations generally were of Popular Governments, where plainly the common good was the good of them who

who were to reward the Cauſes of it: So that, it was no wonder the Common good ſhould be ſo highly exalted and cried up, where it was the particular Good, both to them to whom it was commended, as alſo the Commenders themſelves were to arrive to their own private Pretences through that Notion of the Common Good. The like is of all Princes and Governours; who, if they be wiſe, conceive the Common Good in moſt Circumſtances, to be compared to them as their own proper Good.

It remains therefore, to ſee what may be the Ground on which an Underſtanding Man ought to value ſo highly the Common Good; and expoſe his Life and all that is dear to him, upon the ſcore of the Publick. Clear it is, that he who ventures his Life, ventures all this World: For if he dies, what Reward remains there in this World? *Fame* is a ſlender Recompence, when the Fruit of it (which chiefly conſiſts in being reſpected in Company, and having a power amongſt his Aſſociates) is once paſs'd. The good of his Wife and Children; that may rejoyce a dying Man; but if there reſt nothing after Death, it is a Comfort which ſoon expires; being indeed nothing

thing but a Flash. It is then past dispute, that for him, who expects nothing in the next World, there can be no rational Motive of voluntarily endangering his Life for the Common Cause; if himself be not particularly interested in it.

I know Philosophers reply, that there is no harm in Death nor Pain after it, and we are but as if we never had been; so they dispute to take away the fear of Death. But first, I would ask them, why, even in such a Case, the fear of Death should be taken away? What signifies this to a sound Philosopher, to take away the Love of his *Summum Bonum?* of the End for which he is to do all his Actions? Again, if he must embrace Death, upon what Motive must he make his Onset? Shall he propose to himself none? Or a less Good than he loses? Or entertain frantick Apprehensions of Glory after he is Nothing? These are not Answers for Philosophers and considerate Persons; but for some harebrain'd foolhardy flashes or doating Orators, who, with a multitude of fine Words, can plausibly dress up Contradictions and Nonsence.

This therefore remains certain, that there is no good to be expected here equivalent to the Hazard of Death; and consequently, none can be rationally valiant, who sets not his Hopes upon the next World: And as before, we made it apparent, that he who was not constant to his Religion, could have no rooted Honour or Honesty in him; so now it is likewise evident, he cannot rationally be either valiant himself or trusted by others in danger, farther than he is a Fool. Since then, on the contrary side, the Nature of Commonwealths makes it beyond dispute that hazarding is necessary; it is both evident there is another Life to be expected, and that it imports good Government to plant deeply in the Breasts of the Subjects a rational Apprehension of it. The Cause therefore, and solid Reason why Men ought to be valiant, is the hope of Reward hereafter for doing Good to our Neighbour here: And the Commonwealth being our neereſt and greateſt Act of Charity towards our Neighbour; that is the higheſt externe Act which God hath granted to us, and consequently, to be preferred before all others; and, as such, to expect a Profit and Recompence in the next Life.

I.

I know, it may be objected, that in Beasts also is to be found a kind of Valour, even to the hazard of their Lives for their Mates and little ones, and yet no Reward of the next World can be pretended for them. But, we are to reflect, that Beasts are not govern'd by any Reason given them to govern themselves by; but like Clocks and other Engines, by the Wit of their Makers: And therefore it ought not to be expected they should be address'd to that which is their individual greater good, as Man is by his Reason; but only to what is fittest for their Creator's Intention; which being only to continue them for the Use of Man; and this Passion of audacity which we see in them, being fit for that, we are not to seek a further Reason for them to hazard their Lives, not to draw any consequence from them to Mankind, whose Propriety is to govern himself by the Knowledge of his own Good, and not to be forc'd out of that for the Good of any other, so the Notion of Good be rightly taken.

By this we, in part, understand wherein consists the Worth and Excellency of a Magistrate and his Office: To wit, that all other Ends being purely

for the Good of their private Perſons or Family; the Magiſtrates aim is at the Univerſal Good of the whole eternal Body of the Commonwealth, the Extent of the Perſons, the long and far-ſighted Care, and the Abſtraction from his private Good, manifeſtly exalt this Function, beyond Compariſon, above that of private Men and their Intentions; and places it, as it were, in an Orb of Honour proper to its Dignity.

THE
Eleventh GROUND.

The Quality and Rational power of a ſupreme Governour.

THus is our ſupreme Magiſtrate or Governour mounted on his Throne of Juſtice and Sovereignty. He hath for his Strength, that right the People have beſtowed on him; diveſting themſelves, by this Submiſſion, from interpoſing in Common Affairs. He hath beſides, the

Strength

Strength of the People; both their Wealth and Swords being deliver'd up to him; ſo that, if he be wiſe, he can make himſelf and his Laws obey'd But chiefly he hath his own Prudence and Goodneſs, which is ſuppos'd to be the choiceſt that could be found in that People; and the Credit of it to be his Strength and Support.

For, if we look into it; as we ſee that in the natural Generation of Government, the People truly intend to be governed by one whom they eſteem the Wiſeſt and Beſt amongſt them: So afterward, when they apprehend their Magiſtrate no *Solomon*, yet they ſtill conceive he is the beſt they can obtain or prudently aim at, That is, if they ſhould attempt to change, it would bring greater Inconveniences than their continuance under this weaker Magiſtrate. So that, as it were, the Eſſence and Form of his Power to govern, is Wiſdom, and Goodneſs; at leaſt, ſuch a Degree of both as is ſuppos'd and apprehended the greateſt poſſible, according to the Circumſtances wherein they are. His End we find to be the common Good: And to that is he wholly and adequately bound, by his own Goodneſs, by the Peoples

People Intention, by his own Acceptance, by the Nature of the Charge it ſelf, and by the very form of his Life and Profeſſion: Inſomuch that he falls from his Duty, from the Expectation of his Subjects, and his own Goodneſs, if he does the leaſt Action for his private Intereſt, or otherwiſe than out of his Eſteem that it is for the greateſt Good of the Commonwealth.

And truly, if it be duly conſider'd we may plainly ſee that his private Intereſt is not diſtinguiſh'd from the Publick. For, how can it be? Firſt for Honour, 'tis plain, the Welfare of his Subjects is his higheſt Honour; Their knowing they are well by him, and ſo their love to him, his ſtrongeſt Security; Their expreſſing ſtill on all Occaſions content with his Actions, and eſteem of his Perſon, the greateſt Pleaſure; and in fine, the more Wealth they have, the greater Commander is he: So that really, this private Intereſt (if he be indeed a good Governour) is the true Felicity of his People. I do not, by this, intend to cut off from Supreme Magiſtrates that Pomp and Magnificence we ſee uſually in Perſons of that Quality: But, whereas it may be practis'd either

either for Pride and Vanity, that is, to procure an Eſteem of the private Merit of the Magiſtrate, or elſe, to facilitate the Government by the Awe and Reverence it prints in the Subject; I expect the Supreme Magiſtrate to be ſo diſcreet as to underſtand the former is meerly a Shadow or faint and fading Colour, the other a real Profit and neceſſary Inſtrument, and ſo to be embrac'd for the Good of the People.

Neither muſt we leave our Magiſtrate here, but tranſplant our Diſcourſe into a new Conſideration. For, if he hath gotten a Commiſſion, he hath not, by that, loſt the Quality of a Rational, Wiſe, and Good Man; but join'd to that a new Obligation of being now fix'd upon the Common Good, as the Effect and Scope of the Actions of his whole Life: Inſomuch that to determine the Quality of his Action, we muſt make one complexe of the whole Perſon; and ask, What a wiſe and noble Mind, having ſuch Limitations upon him, by Word or Oath engag'd in his Inſtallment, may or ought to do concerning the Limitations?

And firſt, it is undoubted on both ſides, that neither may he, without great cauſe

cauſe, make a Breach in thoſe Hedges his way is fenc'd with; nor, if he make ſome ſmall and inconſiderable Breaches, that he violates therefore his Oath. For, the nature of Human Action is ſuch, as not to conſiſt in an indiviſible; but, of itſelf, to have a moral Latitude: Our Underſtandings not being able to reach to ſuch ſmall and petty Differences as Nature makes, and our Operations contain, as far as they depend from Nature.

But, the Queſtion comes, When ſome great Fault diſcovers itſelf in the Limitations, and the End of Government is prejudic'd by ſuch a defect; and nevertheleſs it is no doubt, but 'tis the Intention of the People or Truſtees of the People to bind their Magiſtrate to ſuch Conditions; Whether, in ſuch a Caſe, he be bound to his Orders and Oath, or whether the Duty of a wiſe and good Man doth enfranchiſe him to do what is truly beſt for the People, though it be againſt their Wills?

The Queſtion ſeems hard: And therefore it is not amiſs to note, that *truly beſt* ſignifies that it be not only beſt, if it had been fore-ordain'd or if it were in practice; but that it be beſt to be brought

brought into practice; and that, notwithstanding all Damages and Dangers which are to be incurr'd in the setling of it; Otherwise, it is clear, he ought to stand to his Oath. Another Caution is, that the Magistrate do not only *think* it so *best*, but know it by certainty and Science; otherwise, he proceeds not wisely, to hazard a disturbance of the Commonwealth upon slight and weak Appearances.

These two Suppositions premis'd, we are to consider what it is that engages the Magistrate on both sides. And, for his promise, it is above declar'd, that he is engag'd to it by the connaturality and beauty of Truth in Man's Nature: Now not Truth only is conformable to Man's Nature, but also that Nobleness and Goodness that binds Man to Man; which in i s higheft pitch, that is, as it looks upon a Commonwealth or a little Mankind, is the Beauty and Vertue of a Governour.

Again, I see a Governour hath in himself, as it were, two Truths, or Degrees of Truth, belonging to his Person: One, which is the publick Honesty, either consider'd betwixt him and his Subject or some aliens; and this forfeited

feited makes his Publick Credit weak and unfit for the Life of Government: The other is but a Splendor reflecting on his own Perſon, by which he appears in the face of Honour and a Man of his Word. For this latter it is very evident, the Affection to the Publick ought to overſway it; becauſe being but a private good it ſhould do Homage to thoſe Vertues which carry a Man to the common Intereſt. For the former, the Damage enſuing is to be eſteem'd and pois'd againſt the Profit or Neceſſity of the Commonwealth: For, if it be evident, that the good of the Change openly and vaſtly exceeds the Damage proceeding from the Diſcredit; clearly he is bound to admit of the Diſcredit, to purchaſe the Advantage accrewing by the Change: But, where there is none or little difference, there the Ballance hangs upon Quietneſs ſide, and Change is not to be ventur'd on.

This ſeems ſo plainly and evidently concluded, that a Rational Man cannot reſiſt it. But, to thoſe who are uſed to maintain their Credit by Cuſtom more than by Reaſon, it is a *bolus* of hard Digeſtion, to tell them they muſt break their Word for the common good: And ſeems

ſeems to be of the ſame Nature with that famous Definition of an *Ambaſſador*, witty in *England*, harſh in other Nations, that he is ſent *ad peregrè mentiendum pro patriâ*, which where the Equivocation of *lying aboard* is not underſtood, is, in Verity, a Scandal to Stateſmen, whoſe Negotiation hangs ſo tenderly on their Credit, that, it once being broken, they have loſt a principal Inſtrument to penetrate the Heart on which they are to work.

Therefore, let us ſee whether the Magiſtrate (in proceeding as we have declar'd) does truly force the Rampart of Veracity ſo neceſſary for a Government. Let us firſt begin with his Promiſe, and conſider what it is. He is intruſted to do for the common good: And the Reaſon why he is intruſted is, becauſe the Entruſters conceive themſelves either through their Incapacity or Attendance to other Imployments, ignorant of what is truly the common good. They entruſt him, therefore, with more than they underſtand; and ſo his Power is to proceed, according to his Underſtanding tho' it croſs theirs: He then of neceſſity muſt be falſe to his Oath, if he do not, according to his truſt, act for the common

common good what he evidently ſees in a high Degree to import it. Further, becauſe we know, in moral Buſineſs, the End aim'd at, is more principal than the Means order'd to it, and hath ſuch a Command over them that they are to be or not to be, according as is fitting for the End. And in the Oath or Promiſe of our high Magiſtrate, if he obſerve his Limitations, he deſtroys the End for which they were put: He offends againſt both his Oath and Fidelity to his People, if he maintain ſuch Limitations, when he is oblig'd, for the Publick Good, that is, when he ought to break them.

Yes but (replies the Man who thinks himſelf wedded to an outward and ſeeming Honeſty in this Cauſe) howſoever, at firſt he breaks that part of his Oath, in which he ſwore directly, to thoſe Limitations. Let us therefore ſee even that point, and ask, what was the Peoples Will in exacting his Oath or Promiſe? Doth any one will what he underſtands and knows not? If one ſhould ſay to another, I give thee what is in that Trunk; in which himſelf had put a Suit of Apparel, and, without his Knowledge, his Servant had taken that out and put in

in Bags of Gold to the ſame Bulk; would any Divine, or Chancery Judge, or prudent Perſon, aſſert he were bound to beſtow on that Promiſſary all his Gold, which was in the Trunk? I think not; and the Reaſon is, becauſe it is the Will and Underſtanding which hath the Power to give Strength to a Promiſe or Contract; and here the Will is wanting; for he knew not what he ſaid, nor intended to give any thing but a Suit of Clothes.

How many Promiſes do Divines and Lawyers pronounce null, tho' they were good and valid when they were made, by reaſon of the Change of Accident following, which could not be foreſeen? If one Promiſe his Daughter in Marriage to his Neighbour, and ſhe dyes; Is he bound to fulful his Engagement, or ſeek his Neighbour another Wife? Nay, if the Neighbour be diſcover'd not to be the Man he was taken for; not to have a competent Eſtate and ſuch like Conditions; he may juſtifie the Diſperformance of his Promiſe; nor ſhall he forfeit his Credit, if he doth not keep his Word, but rather, if he do, be accounted a weak Man.

Now,

Now, to come to our purpoſe, let it be ſuppos'd the People were made to underſtand, when they exact the Promiſe from their Magiſtrate, that ſuch Limitations would deſtrey their Peace, and Contentment: Doth any one think they would bind their Governour to maintain them? If they would not, 'tis evident, howſoever their Mouths pronounc'd their Words, their Hearts were ignorant and inculpable of ſuch an Exaction; for they knew not what they did, they underſtood not nor meant what they ſpake

But ſuppoſe that truly they knew the Incommodities that were to follow, and yet they would have them obſerv'd: For this happens often in this our Subject, that ſome (eſpecially great Men, and ſometimes the Populace) underſtand the Inconvenience of a Law, and yet for private Intereſt will have it maintain'd: What then is the Duty of the Supreme Magiſtrate, who is ſworn to maintain the ſaid Laws? The Queſtion is clearly anſwer'd by the Condemnation of *Jephtha*; who, when he had raſhly vow'd to Sacrifice the firſt thing that met him from home, did impiouſly murder his Daughter. All Underſtanding Men know,

know, a wicked Oath is not to be obſerv'd. He that ſhould give a mad Man a Sword, becauſe he had vow'd or ſworn it, deſerv'd to be hang'd for the Murders by him committed: Now, an ignorant and wilful Man, what is he but a mad Man? Or what is Madneſs but a Wilfulneſs in doing Evil? If the Action be naught, and ſuch as the Exactor cannot, with Reaſon, deſire, he cannot by any Oath bind a Swearer to it: Now to obſerve Conditions which ſhall ruin the Government and deſtroy the End for which they were inſtituted, is an Action contrary to all Reaſon, and to which the Promiſſary cannot bind the Promiſer, in any Wiſdom and Goodneſs: He is therefore bound, rather to the deſtroying than fulfilling ſuch Conditions; neither is he therefore Perjur'd, but were rather unjuſt and wicked, if he obſerv'd them. This ſo reſolv'd, it appears plainly, that no Supreme Magiſtrate can be bound to any Laws contrary to good Government; farther than either the Danger of changing them, or the not clearly ſeeing them to be ſuch, may hold his hand.

THE

THE

Twelfth GROUND.

Who is ſuch a Governour, and the Subjects Duty towards him.

WE have long talk'd of a Supreme Governour; it is time we ſhould point him out, that he may be known. And, ſince all agree that there are Three ſorts of Government, Monarchy, Ariſtocracy, and Democracy; when they are ſimple, there can be no doubt who is the Supreme Magiſtrate. Now, mingled they may be, all together, to ſome Two of them: And again, their mixing may be either continually, as when all Parts mix'd are ſo often engag'd that their Authorities run jointly, or elſe ſome are continual, others but at certain Terms.

If Monarchy be mix'd, either with Ariſtocracy or Democracy, ſo that they be continually joint Actors; the Monarch is but a Servant, and the other part the Maſter: As is to be ſeen in the *Italian Doges*,

Doges, and the *Lacedæmonian* Kings; for his Force is nothing, compar'd to his Conſort.

If Democracy and Ariſtocracy be ſo mix'd, the Quarrel is more ballanc'd; and becauſe it is a Government divided in itſelf, and therefore dangerous; no doubt but, if the Ariſtocracy get Power enough, ſhe is in the poſture of Supream Authority The Example of this we have in the *Roman Commonwealth*, in the time, ſpecially, of *Sylla*'s Conqueſt; when, if he had ſettled the State in the Senate, there had been no fear of *Cæſar* and *Pompey*'s mangling that *Commonwealth*, as afterwards fell out.

Monarchy and Democracy can hardly be ſo mix'd, that Democracy be perpetual, and Monarchy by Spurts: For that is not Monarchy; the ſaid Monarch being not long enough in power to be accounted a ſettled Magiſtrate; as we ſee in the *Decemvirs*, *Tribunes* and *Dictators* amongſt the *Romans*: So that, the Monarch hath not the power in his Hand to change any thing, which is the Caſe we aim at. And the like is of Ariſtocracy; when its Employment is the ordinary and continual, and Monarchy only by Turns and Seaſons.

There

There remains only Monarchy in continuance, compar'd to Ariſtocracy and Democracy at certain turns. And in *both* it is clear, the Monarch is the Supream Governour in ordinary; and ſo the Magiſtrate of whom we ſpeak, who may alter the Inconveniences, if occaſion ſerve. As for the People, they are but a weak part, if the Governour be wiſe: So that he is by this Poſture, in the State of doing that good to the Commonwealth, which his Judgment and Conſcience dictate to him to be neceſſary. The Compariſon to Ariſtocracy is much harder; every one of the Ariſtocracy being, generally and regularly ſpeaking, a petty Monarch; and the whole of them eaſily aſſembled; and, when ſo, having Power in their Hands: So that the Monarch is not (by vertue of his ordinary condition) in a Poſture to be able to rectifie what he ſees neceſſary to be alter'd; therefore he is not the Man we call the Supream Magiſtrate, but the Aſſembly of the Nobility, whereof he is but an eminent and conſiderable one.

The Subject, being correlative to the Magiſtrate, requires upon that Title, to be reflected on; but much more becauſe the Nature of the Magiſtrate cannot be well

well underſtood, unleſs the Duty of the Subject be joyntly decla'd; We muſt therefore declare, or ſeek out at leaſt, what Honour and Conſcience obliges the Subject to: And, to perform this, we muſt reflect upon his motive of Obedience; which, as is before inſinuated, was grounded on the Love and Neceſſity of living in Community, that, from it, he he may receive good, and, by its Protection, ſecure himſelf againſt evil. To this End he entruſts the Charge of the common Adminiſtration to the Magiſtrate; taking himſelf as one unskilful or unable for ſuch Employment. We ſee therefore, the End of the Subject in his Obedience, immediately, is the publick good or the good of the common Wealth: A farther, tho' more cordial and deep in the Subject, is the good he is to receive out of the Commonwealths being well; which is nothing elſe but that the Particulars of the Commonwealth be ſo. Evident then it is, that the immediate Motive which the Subject is to propoſe before his Eyes, in his Obedience, is the good of the Commonwealth; that is, the very ſame Motive the Magiſtrate ought to have in adminiſtring, and which he had when firſt, in

his own Perſon or in his Forefathers, he ſubmitted himſelf to this Rule.

We know, by conſequence, how excellent a Vertue this Act of Obedience is; having a motive of ſo great a price and high elevation above other ordinary Employments, which reach no farther than to his private good. But, herein the ſame Vertue is leſs in the Subject than in the Commander; that, becauſe the common good is the very private good of the Commander, therefore it is not related to any private good of the ſame Nature: And ſo not commanded or limited by any other, as in the Subject it is by the End of his idiotical good.

The next thing that occurs is the Subjects Fact by making this truſt; and that is, that he hath made all Power of judging and caring for the common good, farther than by the Eyes and Hands of the Magiſtrate, his Truſtee, otherwiſe they have not made him Supream Governour: So that, if he thinks or judges any thing to go amiſs, or interpoſe his Opinion, in any real and effective way, even ſo far as to diſguſt himſelf or any other againſt the Government, he breaks his Promiſe and Engagement to his Governour; much leſs is it in his Power to recal the Truſt,

Truſt, and ſeek any way to take it out of the Hands of his Sovereign. As for his Oath of Allegiance, I believe every Man ſees, it takes its Strength from theſe two; and, by conſequence, is to be underſtood to reach whither they carry it, and ſtrengthen the Obligation that they ground; but, not to extend itſelf to what they do not; only what they begin, and, as it were, make, the Oath doth, by Religion and Reverence to God, enholy and conſecrate, and ſo give it the greatoſt Strength that falls upon Human Liberty.

By this Diſcourſe, we learn, that the Magiſtrates Security, from Honeſty and Conſcience, is the greateſt that Human Nature can frame; being grounded upon the nobleſt Vertue, fortified by the Vertue of Veracity ſo natural and principal a is above ſignified; the Subject having made as great an Alienation of his Propriety to Government as Will an rat fie; and laſtly, elevated it above his own Soul, by the Invocation of him who is Maſter both of Senſe and Body, of time and Eternity. Whence, nothing but the frailty of Human Condition can prejudice a Governour once eſtated legitimately in his Seat of Juſtice; nothing can

make a Subject more delinquent, than to work againſt this Duty of Obedience; no wonder, therefore, if Rebellion be connumerated with Southſaying and Idolatry, and Obedience preferr'd before Sacrifice, even in the ſight of God.

THE
Thirteenth GROUND.

Of the Qualities of Laws and Commands, in reſpect to Obedience.

OUt of what hath been ſaid concerning the Subject's Obligation to Obedience, we may underſtand a Diſtinction made by many, of the Validity and lawfulneſs of Commands. For, the lawfulneſs to a Sovereign Commander, is no other than that he truly thinks it to be for the good of the Common; that is, for the greateſt good, all things conſider'd; which if he doth, it is, by the former Diſcourſe, lawful for him to command,

mand, what he pleaſes, without reproach of Conſcience or Honour to him; and on the other ſide, if he ſwerve never ſo little, he ſo far breaks his Truſt: And the greater the Abuſe is, the greater alſo his Fault and Shame. But, the Subject is to remember that he hath put his Confidence in his Governour; as being himſelf ignorant, and not having leaſure to look into the depth of the Policy; and therefore he is to think and judge well of his Magiſtrates Counſels, and make account he doth not underſtand the bottom of them; and ſo be prompt and forward to obey.

The Validity of the Command conſiſts in the Obligation the Subject hath to perform it: And this may fail in two Degrees; One to the not fulfilling the Command, by avoiding it; the other, by reſiſting it. This latter is no ways in the Subjects Hands, unleſs it be in ſuch a Caſe as his Oath of Allegiance and Obligation to the good of the Community, ceaſe or bind not: The former can never happen as long as it can be preſum'd to be the Commanders Will, this Subject in theſe Circumſtances, ſhould perform this Command: For, ſo long, his truſt obliges him not to fail. But, becauſe a

Governour many times is not rightly inform'd, nor can a Law reach home to all particular Accidents; it is very Incident that in ſome ſpecial Caſes, the Subject may preſume it is not the Magiſtrates will, he ſhould be bound to this particular Service. And this is ſo ordinary, that amongſt us, there is a particular and higheſt Court, to declare when we are not bound to the written Laws.

Yet is it not neceſſary to believe, that even that court is able to ſatisfie all caſes, or that private Men are bound not to avoid a Law without having a recourſe to that Court, or to obey all Decrees of that Court if they can prudently avoid it; becauſe no Court (eſpecially amongſt refined Pleaders) can be without many Formalities; which are not the Subſtance of Juſtice, and therefore may prudently be declined, neither Honour nor Conſcience obliging to ſuch Proceedings. But they muſt ever have for their Rule, that the Law-maker intended not to include them, in theſe Circumſtances, within the compaſs of his Law.

Some make us a threefold diviſion of Laws; the firſt abſolute or commanding, the ſecond permiſſive, the third they call penal Laws; The firſt they aver

aver to be Obligatory, becauſe directly intended by the Law-giver; and of this ſort is verified what we have newly diſcourſed.

The ſecond (were it expreſsly the Senſe of the Law to permit a thing) is alſo of the former kind, and only diſtinguiſhed in the matter: For it would make the thing permitted truly lawful. But this is not the Writers meaning: For they do not conceive it was the Law-makers Intention to allow of the Practice, but only not to puniſh it, or to ordain ſomewhat in ſuppoſition of the caſe. As when Uſury is limited to ſuch a rate, that greater is forbidden; but to ſuch a rate is ſo permitted, that he that hath borrowed is bound and compellable to pay ſo many in the hundred; but no Man is bound to borrow; nor as they ſay, *allowed* to take Intereſt, though the Law conſtrain the Borrower to pay. But, how the Law can force the one to give, and yet not allow the other to take, is to me, a hard Propoſition, and like a Riddle; and therefore, I believe, the Law it ſelf is to be condemn'd, or the Practiſe to be juſtify'd; and that truly there neither is, nor can be ſuch a

kind of Law, as ſhall compell a thing to be done, and not approve of the doing.

The third ſort alſo ſeemeth to me no leſs Contradictory: for though I confeſs there are penal Laws unqueſtionably, that is, ſuch as conſtitute Puniſhments for Offences; yet theſe Maſters mean not ſuch, but under the cloak of the Name, teach Diſobedience to certain Laws, perſwading us the Law-givers Intention is indefinite, that either a Man ſhould do ſuch a thing, or ſuffer ſuch a Puniſhment, if he be diſcover'd to have committed the Fault, which is directly againſt all Goodneſs. For firſt we are to conſider whether the thing commanded be uſeful to the Common-wealth; if ſo, it cleerly argues it is the direct Will of the Law-maker. Again, it is to be look'd into, if it be univerſally neglected, what Damage accreweth to the Common; and this alſo will aſſure us, by the neceſſity of it, that it is intended for the common Good, and therefore to be executed to the Poſſibility of the Subject. Again, how unworthy a thing it is of a Governour, who is ſuppoſed to be all Equity and Goodneſs, to lie at the Catch with his Subjects, to entrap them for a thing he doth not aim to have done?

Beſides

Beſides the Name of Puniſhment ſuppoſeth a Fault; ſo that, the Law muſt be ſuppoſed to ſpeak improperly; which, in its dogmatical way of proceeding, is abſurd.

Yet do I not deny but Laws may be made indefinitely; as, to command every Townſman to march or pay ſo much Monies, leaving it to his Liberty to do which he lifteth: But this is no penal Law, nor hath it any likelihood of one; but is meerly a disjunctive Command Neither likewiſe do I entrench upon ſuch Orders in Communities, which being almoſt impoſſible to be rigorouſly obſerved, have ſome other Obligation annex'd to the failing; to be perform'd by the Conſcience of the Delinquent, whether diſcover'd or no. For this clearly remaineth voluntary, and is ordered to make the Failing rare, and to acknowledge a Defect and Fault in the not obſerving; and ſo hath not that croſſing of the Will, and that force which one feeleth when he is diſcover'd, and by Authority, chaſtiſed. So that, in Concluſion, there is but one ſort of Law in all theſe; and that binding the Subject, in force of his Promiſe and Oath, to the Proportion of his Concurrence to

the common Good, by his Act of Obedience.

THE
Fourteenth GROUND.

In what Conditions the Subject may reſiſt Government.

NOw, to return to the former part; it is evident, if it be rational to reſiſt the Government, it will be lawful alſo to break and remove it: For theſe two Actions are of the ſame nature, and, in truth, pure Reſiſtance and Diſobedience is the annulling it. For, Government, conſiſting in the Power of commanding, that is, of having no Reſiſtance, to reſiſt is not to acknowledge it, but maintain there is no ſuch Power, at leaſt, in this caſe; that is, to take it away in this caſe; that is, to ſet another Judge or Knower when Obedience is due, and when not; that is, not to keep the Subject in the Nature of Ignorance, in

in which is grounded his being a Subject. This being the Nature of this Disobedience or resisting, the Magistrate is bound with all his Strength to crush and break it; and, by Consequence, it draweth along the Concussion of the whole State, if the Subject be able to make good his Resistance. Out of this it is clear, that a Subject may not use this resistance; but in case when it is fitting to attempt the dissolving of the Government.

It follows first, that it cannot be done, but when the Occasion is greater then the value of the publick Peace, and good of the Commonwealth. No Man therefore can justly attempt such a Disobedience, to save his own Life and Goods, or the Life and Goods of his own Family, how great soever, if contained within the Bounds of a private Family, or but a part of the Commonwealth. Now, how far this extendeth, I dare not subtilize; it being a kind of moral Consideration and prudential Esteem to weigh it in particular; the common Notion reaching no farther, then that it be not so notorious a part of the Commonwealth, that it be a homogenial part of it, such as is fit to make a Commonwealth of it

self

ſelf, to determine whoſe Nature, is not the intent of our preſent Embarkment.

The next conſideration is, that neither an univerſal harm, if moderate and ſuch as may be ſupported with leſs Damage than follows out of the change of the State, is a ſufficient cauſe of Reſiſtance to the Sovereign Magiſtrates command. As for Example, an enormous Taxe (ſuch as was thought to be that which revolted *Guienne* from *Edward* the third of *England*, or the *Low-Countries* from *Philip* the ſecond of *Spain:*) as both their Wars may well teſtifie, in which the taking of any one Town was of more Conſequence then all ſuch a Tax would have been. How far this alſo reaches, i not for me to eſteem; Who ſhould ask me, if the Governour exacted for one time all the Subject had, ſo there remained a ground to work upon of new, and within a little time to live contentedly; I ſhould be troubled to confeſs it were a ſufficient Injury to take up Arms againſt him, becauſe I cannot judge which were the greater Miſchief to the Subject.

Thirdly, if the wrong be of that nature as to ruine the whole Commonwealth, yet not ſuddenly, but after many Years,

Years, if often repeated; I cannot allow it a ſufficient cauſe of open Reſiſtance. The Reaſon is clear; for, on the one ſide there is no Inconvenience ſo ſmall but (in Proceſs of time) may grow to be the ruin of the Commonwealth, if it be often repeated and ſo exceſſively multiplyed; and on the other ſide, long time breeds ſo great changes, or, at leaſt is ſubject to them, that the pure nature of the offence is not able to juſtifie a Rebellion and breach of unity in a Commonwealth and ſo, not the reſiſtance to the Governour. How much the time in which the ruin would follow ſhould be, to make it a ſufficient Cauſe, who can judge? Only this we ſee that what will not ruin in a ſet time, will never do it; and I have ſeen People live happily, where it was ſaid, they paid the value of their whole Subſiſtence to their Magiſtrate once in Seven Years. Nor do I pretend, by theſe Inſtances, to ſet any Rule for enfranchiſing the Subject, more than this, When *evidently* the Tyranny of the Governour is greater than the Miſchief hazarded. When even this happens, be the material Conditions what they will, the Subject is free: And if this be not, whatſoever the Circumſtances be, the

Sub-

Subject ought not to ſtirr. For, this and this only is the final Cauſe meaſuring all Attempts, *What is beſt for the People*; and known it is, that if it be not evident to be better to ſtir, it is evidently better to remain quiet; for, not-a-cauſe is ſufficient for not changing; but, for a Change and ſuch a Change, it ought to be *a clear and evident abbetterment.*

There is further to be look'd into what part of the Commonwealth it ought to be that is ſufficient to juſtifie ſuch Quarrel. For, as there is no doubt, but the whole Commonwealth, that is, ſuch a Portion of it as makes the Governours Party inconſiderable, is ſufficient: ſo, there will be leſs doubt on the other Extream, if the Number reſiſting be a pure ſingle part, it is not ſufficient to proceed to this Extremity. The queſtion then is, whether the Party riſing ought to be the *major* or equal, or, at leaſt, inconſiderably leſs than thoſe who ſide with the Magiſtrate. But here we muſt obſerve the Greatneſs of the Commonwealth divided. For, if ſuch Parts be of themſelves, fit to make Commonwealths, nothing conſider'd but the quantity or the number; it cannot be doubted but that will ſuffice: Now what that quantity is belongs to another Science. Be-

Beſides all theſe Conſiderations, there remains another; that it can be effected; For who is to attempt an Action, ought as well to weigh the Coſt of compaſſing, as the Worth and Recompence when it is compaſs'd; ſo that, unleſs the Hazard of miſſing and the Labour of obtaining, being both added into the Ballance with the preſent quiet, be all over-ſway'd; it cannot be prudently done to engage for a Change.

Some will tell me, never did People expect with ſo much Patience as I require: And your Gallants, who pretend to Generoſity, will exclaim, It is better to dye in the Field, than ſuffer ſuch Indignities? Nay, ſome will think, or at leaſt, vaunt it fitter to lye in Priſon or rot in a Dungeon, or ſeek his Fortune in *Barbary*, than to be under ſuch a Slavery. My Anſwer to theſe laſt Gallants is, that they ſhould firſt try what it is to rot in a Dungeon, or to wander amongſt Barbarians; before they engage themſelves and other ignorant Perſons in ſuch Adventures. To the ſecond, that I underſtand not thoſe Spur galls of Honour, which diſquiet their fiery Humours: I only diſcourſe of what is fitting to make a ſweet and contented Life, to them who think

think it consists in enjoying natural Goods of Science and Vertue for our Minds and the Accommodation of our Senses, for our Bodies: Those high and aereal Goods of Honour, and vapouring Words I esteem as *Ajax* (when his Eyes were open) at his Death; *Vertue* (said he, meaning Honour) *I follow'd thee as a thing, but I find thou art but Words.* To the formost, I answer, I do not averr Men either have been wise or will be so wise; I only endeavour to lay before them what it is to be so; let them look to the Exercise. Neither on the other side do I justifie the Prince, who puts his Subject to such Extremities, or think it Prudence in him to do it, or that he doth not deserve all the Mischief which may light upon him for it: I leave both to the force of Nature, to their Wit or Folly, and to the force of Reason or Passion, which governs in Persons and present Circumstances; keeping my self in my common Notions which belong to Science.

Still there remains one Difficulty, which may breed great Variety in the Resolution; and it is, who is to be judge, Whether the neglect of the Magistrate be so great, as to deserve resistance?

For,

For, if the Magiſtrate himſelf be endow'd with that Power, it is a Folly to think that Circumſtance will ever come; and, if it belong to the People, ſuch Hotſpurs, as we ſpake of, will make it come long before the Seaſon be ripe for it. But, the Truth is, this queſtion ſeems in a manner ſuperfluous: For it ſuppoſes, there is a queſtion and ambigui y to be decided; and by the Conditions put, it is cleer there can be no queſtion beyond all ambiguity in the very Conſcience of the Magiſtrate, the Objects beating on the Subject in every ones Particular beyond Denial and Diſpute. And beſides, as long as truly there is any Diſputableneſs, the Truſt repos'd in the Magiſtrate makes him Judge; For, being entruſted as a Man both knowing and good, and the People taking themſelves as ignorant in what they truſt him; cleerly he remains ſole Judge, as long as there remains a Caſe to be judg d And therefore his either Ignorance, or Careleſneſs, or Tyranny ought to be ſo evident, that it be beyond all queſtion; or elſe the Subject muſt have patience for his own good, which is his aim in putting himſelf under Government.

THE

THE
Fifteenth GROUND.

Wherein conſiſts the power and liberty of the Subject.

YEt may ſome think, on the other ſide, that the Doctrine deliver'd contradicts itſelf. For, it being before determin'd, that the People hath alienated all right of judging or medling in Government; how can it ever happen that they ſhould have a right to interpoſe again, or that ſuch Circumſtances can poſſibly fall out in which they may reſiſt the Magiſtrate? And this Objection is ſo much the ſtronger, by acknowledging ſo great a Power in the Magiſtrate of breaking all Laws and Limitations of Government, by the force of Reaſon plac'd in the Circumſtances of Power and Authority, as hath been declar'd: Whence it ſeems, ſince that Authority in the Magiſtrate cannot conſiſt with an oppoſite Authority in the Subject, to bridle and curb him; they can never have this Power to reſiſt.

And

And the Truth is, the People acts not what it does in such a Case, by any Authority acquir'd, but by the Force of Nature; that same Force by which the Magistrate oversways the Laws, but in other Circumstances. And first that the People hath no Authority to oppose their Superiour is manifest: For, Authority is a thing instituted by Consent, and depending on Promise; but here is no need of consent nor any thought of it; here is no Publick Meetings or *Ligues*; and if there were, they would be of no value against a former Tradition of their Wills to their Magistrate: It cannot be therefore, that the People proceed by any such Contract.

Whence is it then that the People come to any such Power? The Answer is, As, when the first instituted Government, they did it in the force of Nature; without having any other Power than the pure force of Rationality: So, if, by any Circumstance they be devolv'd into the same State of Anarchy, that their Promise made binds no more; then Rationality teaches them and gives them, by force of Nature, to institute another Government. Now, the excessive Disorders, expres's'd in the foremention'd Con-

Conditions, make it evident they are not in a Government, that is, in a Conſpiracy to the common good, which is the Eſſence of Government; but in an Anarchy, and therefore remitted, by the evil managing or Inſufficiency of their Governour, to the force of Nature to provide for themſelves, and not bound by any Promiſe made to their Governour: The whole End and Intention of their Promiſe being, purely, to ſubmit to Government, that is, to conduce to the common good and ſafety; which having fail'd, there is no more Obligation in their Oath or Promiſe, than if they had never made them. This is, therefore, the Ground of the Peoples Oppoſition, and only Circumſtance to juſtifie their breaking their Oath and Promiſe: So that, in truth, the Magiſtrate, firſt, by his Miſcarriages, abdicates himſelf from being a Magiſtrate, and proves a Brigand and Robber inſtead of a Defender; and the People, in the way of natural Preſervation of themſelves, make Reſiſtance againſt him.

I ſhould paſs farther to the Change of Government, did not the loud and Univerſal Cry of all common People, eſpecially of our Northern Countries, diverting

ing my Pen, force me to attend their Importunity. They ſay, this Doctrine deliver'd ruins their Liberty; and the People are but a kind of Slaves and Gally-birds, if this be the Courſe of Government. They muſt be ſatisfi'd, or, at leaſt, their Courage allay'd by Reaſon if it be poſſible. For this word *Liberty* prints itſelf in ſuch a Letter, that it leaves unſtudy'd no Man, as one ſpeaks. The *Pelagian* thinks he hath loſt his natural Liberty, if it may be commanded by Gods Omnipotency. The worldly Man accounts himſelf a Slave, if rational Government be conſerv'd: He muſt have licenſe to commit Wickedneſs and ruin Government, or elſe he is in Chains. Let us then repeat the Nature of Government, and ſee wherein conſiſts the Liberty of Subject, that we may know when he hath it, and what belongs to it.

The People (we ſaid) to fall to their own Buſineſs, and the improving of Nature, chuſe one or more to manage the common Intereſts; holding them wiſe and capable, and themſelves unskilful; and this with a great deal of Reaſon: For nothing but Experience, and much debating is able to beget a ſufficient Art or Knowledge, in ſuch ſubtle Points and

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Turnings. Beſides, they eſteem'd a few fitter for Reſolution, and eaſier to agree than their own Multitude; where ſo many private Aims are hard to be avoided, and if not, prejudicial to the Common. Upon thoſe Grounds, it is plain, out of the very Nature of Government, that they reſerve no Power in themſelves to conſult of common Buſineſs. For, how abſurd is it that he who hath no Skill ſhall give Counſel, or ſway the Reſolutions of thoſe whoſe Art and Profeſſion it is? Or, what Wiſe Man could undertake a Government with Truth and Honour, if, in his greateſt Difficulties, he muſt depend on the Advice, or rather Wilfulneſs of an ignorant Rabble?

Let us look now what is left for the obeying Party; and we ſhall find, it is to govern their private Affairs, as far forth as they fall not within the Verge of the common good or harm. But, once, put that the private Mans Buſineſs either hinders, or is neceſſary to help the common Deſigns: And, as evident as it is that the Common is to be preferr'd before the Particular; ſo evident it is, that even his proper Buſineſs is not to be manag'd, ſo far, by his private Underſtanding and Liberty. If the Soldier, when

when he is commanded to ſtand *Perdue*, ſhould have his private Conſiderations allow'd him, what could the Army do? If the Citizen, being commanded to watch his Turn upon the Walls, might bring an Excuſe that he had no body to look to his Shop, the City would ſoon fall to the Enemies Prey. Private Intereſt, then, muſt yield, when the Publick is concern'd, or elſe no Government can be hop'd for: And, he that will leave Matters of great Conſequence to the Reſolution of the govern'd Party, muſt make them the Governours.

Wherein then conſiſts the Liberty of every Subject? In not being controll'd in his private Affairs. If there be not Juſtice adminiſtr'd both againſt Robbers and Riotous Oppreſſors, the Citizen is not free: If he be moleſted in his Domeſtick Manage, otherwiſe than when the Common demands his aſſiſtance, he is not free. But, for ſerving the Common, it is the freeſt Act he hath: It was his Choice to elect it, it is his Good to conſerve it, and will be his Deſtruction to infringe it. As it is no Liberty to have an Immunity to hang or maim himſelf, or Wife and Children, or to commit any other unnatural act; no more is it

it to be eſteem'd Liberty, to have the Privilege to ſubſtract himſelf from the Service of the Commonwealth. They are therefore ſeditious Spirits, who, uſing the Name of Liberty, provoke the Subject againſt the Magiſtrate; and in themſelves, ordinarily, it is either Ignorance or Faction, which is the true Miſtreſs of ſuch Attempts. Nor can it be fear'd, that Government, carried connaturally, and as it ought to be, doth any way prejudice the Liberty of the Subject, what Seiſures ſoever it makes either upon Goods or Perſons.

Yes, but Governours will exceed the Moderation of the true Laws of Government. Firſt, the Commonwealth hath a Preſumption of their Goodneſs to the contrary. Secondly, admit they do, muſt we ſeek to remedy it by a greater Wound, which is, by taking away the Life and Soul of Government? Again, the Oppreſſion is either in common upon all, or in particular upon ſome few: If in common, it is almoſt impoſſible to be heavy upon every one; for, many little Sums eaſily riſe to a great one, and many Hands make light Work: If the Wrong be done to Particulars, we ought to conſider, that accidental Harms cannot

not be prevented neither in Nature nor in Humane Affairs; and ſo are Objects of Pity rather than of Hope to be amended, and to be tolerated rather, in reſpect of the great good which is the common peace, than expoſe all to ſuch confuſion as muſt be, and ever hath been where the Government is, in part, placed in unexperient Hands.

This, therefore, is reſolved, that the plenitude of Power in the Governour hinders not the Liberty of the Subject: Which is to be contained within an inferiour Sphere, and the Sphere itſelf within the Sphere of Government; and to be carried by it, as the private good by the common, when the Neceſſity of the Publick requires. Likewiſe, the Propriety of Right of the Subject is to be taken, not againſt the Governour or common Right, but againſt the encroaching of another Party: As, whoever underſtands what common and particular ſignifie, eaſily underſtands that the common and particular are not two; as the Part and the Whole make not two, becauſe the Part is included in the Whole; but Part and Part make two, becauſe one hath no Community with the other. Therefore, it ſtands not with Reaſon, that any pri-

vate Perſon ſhould claim a Right againſt the Commonwealth, or the Governour, which is all one; for, ſo he makes the Commonwealth a Part diſtinguiſh'd from himſelf.

THE
Sixteenth GROUND.

Of the diſpoſſeſſion of a ſupreme former Governour, and of his Right.

THis rubb being taken away, our March is free to conſider the Action of the Change of Government; by what it is effected that the former Governour remains no longer in his Authority, and the new one begins to have the Power. For we ſpeak of a Supreme Governour, whoſe Power is ſworn to; and ſo fortify'd, by an Allegiance due from the People, and a Right obtain'd by himſelf. And, we may preſently reflect, that our former Diſcourſe, of the People's Reſiſtance to a Severeign Magiſtrate, reach'd not to the Reſolution of this. For, there we ſuppoſed the Magiſtrate to have behav'd him-

himſelf ſo unworthily, that he was truly no Governour but a Tyrant and Robber; and ſo had really depos'd himſelf, and diſannull'd the Subjects Oath and Obligation, by renouncing, in Deeds and Practice, the Nature of a Governour. Now, our Queſtion ſuppoſes the Governour not to have come to that Extremity: Put, either to have been good or innocent: Or that it is doubtful whether his Exceſſes deſerv'd Expulſion; Or, at leaſt, if they did deſerve it of themſelves, yet the Circumſtances were not fitting for it; but the expulſion happen'd either by the invaſion of a ſtranger, or the Ambition of a Subject, or ſome popular headleſs Tumult; for, theſe Three ways a Magiſtrate comes, forcibly and unjuſtly, to be outed of his Power.

And firſt, if the Magiſtrate have truly deſerv'd to be diſpoſſeſs'd; or it be rationally doubted that he hath deſerv'd it, and he be actually out of poſſeſſion: In the former Caſe it is certain, the Subject hath no Obligation to hazard for his Reſtitution but rather to hinder it: For, ſince it is the common good that both the Magiſtrate and the Subject are to aim at; and clearly, out of what is expreſs'd it is the common Harm, to admit again of ſuch

a Magiſtrate; every one, to his power, is bound to reſiſt him. If you ſay, he may or will repent and amend, that imports not our Queſtion, or Whether he be to be reſtor'd? but, Whether he be to choſen of new? For, ſince it was meerly his poſſeſſion and the intereſt of not changing or troubling the Commonwealth, which oblig'd the Subject to maintain him; it being ſuppoſed his own deſert did condemn him, this change and trouble of the Commonwealth being now turn'd on the other ſide and another in poſſeſſion, clearly neither he hath any Right left, nor the Subject any Obligation to maintain but rather oppoſe him. Now, if his Deſert be doubtful, then is it alſo doubtful whether he hath right or no: And certain, that the common good is not to be diſturbed for it; Nature teaching that we need no Reaſon to be quiet, and remain where we are, but that to make a Change we muſt ſee a ſtrong Cauſe and Motive.

The next Caſe is, if he be innocent and wrongfully depos'd, nay let us add, One who had govern'd well and deſerv'd much of the Commonwealth: Yet he is totally diſpoſſeſs'd; and ſo, that, it is plain, in theſe Circumſtances, it were better for common good to ſtay as they are, then to ven-

venture the reſtoring him, becauſe of the publick Hazard. It is clear, in this caſe, there is compariſon between the general good of the Commonwealth, on the one ſide, and the particular of this Man or Family on the other. Let us, then, put the Caſe on his part; and ſee, if he be generous, if he hath ſettled in his Heart that every ſingle Man ought to prefer the common Intereſt before his particular Safety, Profit, or Honour; if he be fit for a Governour, that is, one that is to eſpouſe the common good as his own individual; what he will, in Honour and Conſcience, reſolve: Whether he be not oblig'd abſolutely to renounce all Right and Claim to Government; and, if he does not, he be not worſe than an Infidel: For, if he that hath no Care of his Domeſticks, be reputed ſo; with how much more Reaſon, he that is ready to plunge a whole Nation in Blood, for his own Intereſt?

Let us caſt the Accompts on the other ſide; and ſee, that the Subjects Aim ought to be the Publick Peace, and quiet Enjoyment of their Lives and Intereſts: It will appear that, if he be bound to renounce his Claim, they cannot be oblig'd to maintain it: And beſides, that they are wilfully blind, if where the whole Con-

cernment of themſelves, their Wives and Children, lie at the ſtake, they will venture all for an aireal Fancy, without regard to the *End* of Government, Publick Peace; meerly for the *Means*, this Man's Government, without whom the End may be obtain'd. It cannot, therefore, be rational on either ſide, for a diſpoſſeſs'd Governour to be reſtor'd with hazard: Unleſs it be certain the ſucceeding Government be a pure Tyranny, and ſo the diſpoſſeſs'd Perſon neceſſary for the quiet and peace of the Commonwealth; and therefore, that both ſides pretend the good of the Commonwealth, as well he that is to be reſtor'd, as thoſe who ſeek to reſtore him.

But ſome cry, he had Right; he hath not deſerv'd to loſe it: Juſtice muſt be done, whatever follows on it; happy they that are unfortunate in ſo good a Cauſe, they ſhall not loſe their Reward, however it fares with them now. Well for them, if this Plea will ſerve them in the next World; nor will I diſpute whether the Evidence of what I deliver be ſo great as that Ignorance may not excuſe them: That Queſtion belongs to the Tribunal of God only: I muſt ſay that, before Men, who are clad with Fleſh, and whoſe Hearts can-

cannot be pierc'd by other Men's Gueſſes, the Law is, that not only the Intention be good, but alſo the Action be intelligent and prudent; otherwiſe, we are ſubject to believe, that ſome Vanity or Secret Hopes do biaſs the Actor, and make his Proceeding irrational. I muſt alſo tell them, that this Principle, *Fiat Juſtitia, & ruat cœlum*, is ſeldom practis'd amongſt the wiſe; who all agree that Charity and Prudence ought ſtill to moderate the Rigour of Juſtice. It is alſo too metaphiſical for a Moral Way, to think that Juſtice is a *Platonick Idea* in the concave of the Moon; no ways to be chang'd by circumſtantial Occurrences: Whereas, the Truth is, Juſtice is but a partial and commanded Vertue; and that which governs in Man, is Reaſon, or his own Nature and Inclination to make all his Actions connatural and fit for a rational Creature; and ſo may conſult whether Juſtice be in ſome to be adminiſtred, and pronounce that *Summum jus eſt ſumma injuria.*

But, the capital in this matter is, that truly there is no Juſtice on either the Magiſtrates or People's ſide, to bind to the reſtoring him: Both theſe depending on the Promiſe made, and the Force of the Promiſe being none, ſince the Ground

of it is chang'd. For, the Subſtance of the Promiſe made to a Magiſtrate, is, to obey him as a Magiſtrate, that is, as far as is fitting for the Commonwealth and Peace; he being nothing but the Inſtrument of the common good: Now, take away that Fitneſs for the Commonwealth, and that which gave Strength to the Promiſe is gone, and the Promiſe itſelf is no more a Promiſe, nor can any Obligation ariſe from it. Who knows not, that the Promiſe of any Man depends on his Intention, his Intention on his Knowledge, his Knowledge reaches no farther than his Conſideration and preſent Memory when he makes the Promiſe? So that, in Nature, a Promiſe reaches only to preſuppoſed and thought on Circumſtances: And who, when he ſwears to a Magiſtrate, expects to ſee him diſpoſſeſs'd and turn'd off?

Nature annuls Promiſes: As, when we Promiſe to come ſuch a Day, and either die or are impriſon'd before. Morality annuls them: As if we promiſe to run ſuch a Horſe againſt another a Month hence, and the Horſe in the mean time falls lame; who will condemn the Maſter for not venturing on ſuch a Race? Is not the Man better than his Word? If then the

the Man himſelf be leſs than the common good, which he muſt violate by keeping his Word; Can his Word be greater? But a Promiſe muſt many times be kept even with loſs of Life? I deny it not: But, firſt, I muſt be aſſur'd it is a Promiſe; which before I have declar'd to be none: For, our Caſe is a Caſe of Nature not of Law, we admit no Preſumptions; nothing what he meant to do or ſhould have done, we only regard what was done. Secondly, if it were intended to be ſo promis'd, it was wicked and irrational; for, to promiſe to regard a private Man's good againſt the common, is unnatural and wicked; therefore, it never was a Promiſe, can never bind as ſuch, nor be profeſs'd with Honour, either to be made, or, if made, to be kept. I need not inſiſt upon the Confirmation by Oath: For, every one underſtands, if the Oath be but a Confirmation of a precedent Promiſe, and there were no Promiſe, there can be no Oath, to have the Nature and Force of an Oath.

So that, this is manifeſt, a Magiſtrate actually diſpoſſeſs'd hath no Right to be reſtor'd, nor the Subject any Obligation to ſeek to reſtore, but oppoſe him. For, what is Man, or rather Mankind (for,

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ſo we have ſtiled a Nation) better than a Herd of Sheep or Oxen, if it be to be own'd, like them, by Maſters? What difference is there between their Maſters ſelling them to the Butcher, and obliging them to venture their Lives and Livelihoods for his private Intereſt? We know it is natural, that the Part ſhould venture for the Whole; but that the Whole ſhould venture the loſs of itſelf to ſave the Part, I cannot underſtand. The Governour is the higheſt and nobleſt Part, yet but a Part; the People is the Whole, the End (tho' not by Office, yet by Worth and Dignity) the Maſter and Lord, for whom thoſe who are Lords by Office are to be veſted and diveſted in Lordſhip, when it is neceſſary for the common good. Who thinks otherwiſe, deſerves not the Name of a Man.

NB.

THE Seventeenth GROUND.

Of a Supreme Governour diſpoſſeſs'd.

BUT one will object, if he were wrongfully diſpoſſeſs'd, he ſuffer'd Wrong; it cannot then but be reaſon he ſhould

ſhould have Reparation. And this cannot be deny'd. But beſide the Government taken from him, he was peradventure injur'd in his Reputation and ſpoil'd of ſuch Aliments as are fit to maintain him according to the Quality of his Birth and Education: And, for theſe, he may, as a private Man, demand Reparation; but ſo, as ſtill to remember he is a Denizen of that Country, a Member of that People, and compar'd to it as a Particular to its univerſal; and may demand his Share, yet ſo that if it cannot be obtain'd without the Concuſſion of the Publick, he is to renounce it and ſacrifice that Intereſt to the good of his Country.

Likewiſe, on the oppoſite ſide, the Commonwealth may demand Reparations againſt the diſpoſs'd Magiſtrate, who abus'd it or his Subjects during the Government: Not touching any thing he did upon Intention of the publick good, tho' it were breaking of known Laws or any injurious Violence offer'd, with pretence of ſerving the Commonwealth; For, the Truſt put in his Hands vindicates him from all ſuch Actions, as long as they bear the face of any Intention of the common good. But, if, for private Men's Satisfaction, or his one Luſt, or Covet-uſ-

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neſs he did any wrong, of that he may be ask'd an Account: Not while he is in Government but after the Diſpoſſeſſion, when now the common diſtemper follows not the Proſecution of ſuch Riots, and ſo, his publick Protection being gone, he is but a private Man, and conſequently, by the force of Nature, ſubject to a ſtronger; Obligations of common good and former Promiſes being now faded away, and he left in the Condition of a Stranger, ſaving that his Demerits follow and purſue him, if other Merits do not counterballance them and exempt him.

Again, when he is to be judg'd, he cannot be proceeded againſt by Law; which can judge none but the Offenders againſt it. Now we have had often occaſion to declare that the chief Magiſtrate is not under the Law; the common good for which the Laws themſelves were made, being committed to his Truſt, and the End he is to look after being higher than the Laws, which are but a Part of the Means to arrive at that End; and therefore inferiour and ſubordinate to it. But thoſe who could put their own Agreements, that is, the Laws under his Feet, could not put Nature under them, nor authorize him to do any irrational or unhandſome Action:

Action: Therefore, when the Structure of the Commonwealth is diſſolv'd, that is, disjointed from him, then any who hath ſuffer'd wrong in the fore-declar'd manner may be Party againſt him and proceed as if there were no Commonwealth; by the Law, which, in a Wilderneſs, warrants us to kill a Tyger or Robber that ſeeks to kill us, not pretending Law for our Action, but that it is manlike and rational. Neither ought it be call'd Puniſhment that is done againſt a diſpoſſeſs'd Magiſtrate, but rather Revenge, or ſome other Name that includes no order to Law.

By this we underſtand the Truth of that famous Queſtion; Whether a Soveraign be under the Laws? to which is ordinarily anſwer'd, that he is, as far as his Example and Direction is neceſſary to Subjects; but not ſo, that the Law, as ſuch, hath any Superiority or force upon him. To declare this more plainly, we muſt remember, the Rule of his Actions, to do what Reaſon teaches a Man in his Poſture ought to do, that is, what is fitting for the Publick: Now generally ſpeaking, the common good requires that the Laws be obſerv'd betwixt Fellows of the ſame Commonwealth; wherefore Nature teaches him to give example of that

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Obſervance, as far as his publick Office permits.

Beſides, in the very Perſon of the Soveraign are to be diſtinguiſh'd, his being one of the Commonwealth, and being the Head or Magiſtrate, exempts his Publick Actions and alſo his Perſon and private Actions from the Inquiſition of the Law; yet it doth not exempt his private Actions from the Proportion to thoſe of the Subjects, that is, from being good or bad, becauſe like or diſlike to the Actions which the Law commands or forbids. So that, he is not, even in his private Actions, ſubject to the Laws as his *rule*; for *that* is only Reaſon; but, as they are a kind of way chalk'd out to him for the material part of his Action; as the Architect frames his Houſe for him; or the Gardiner his Walks: That is, the Laws are to him as an Art under him, an Art to ſhew him what is to be done, not to command or puniſh him for not doing; nay, not ſo much as neceſſitating him to do, at leaſt, univerſally, whether the Buſineſs be purely betwixt Subjects, or betwixt himſelf as a private Perſon, and his Subjects.

For, the principle of common good being higher than the Art of making Laws,

Laws, may, nay ought in ſome Caſes, differ from the Preſcriptions of the Law. Yet this muſt not authorize him to diſpenſe frequently with the Law; the Government being not poſſible to be good in which there is no conſtancy: But, if the Circumſtances require any Law to be often forc'd; the Law itſelf ought to be limited, that the Practice of the Subject may be firm and cuſtomary, which is that makes the Law pleaſe. Thus in concluſion, tho' the Magiſtrate be not commanded by the Laws, nor perſonally ſubject to them, yet Reaſon (which is his Rule) binds him to obſerve them as the good of his People; and (ordinarily ſpeaking) eſſential to his End, which is the common good. The Laws therefore are his Matter to work on, or Inſtruments neceſſary to work by, not his Rule or Maſtering Directions.

There remains yet untouch'd the Queſtion that ſeems moſt troubleſome to many, When the Change of the Government is valid, and ſuch as the Subjects Obedience is due to the new Magiſtrate and to be ſubſtracted from the old, how unjuſtly ſoever he were bereav'd of it. And, others have ſought by Term of Years to decide the Difficulty: Among whom, one was Pope *Urban* VIII. an intelligent and generous

generous Prince and well vers'd in Politick Government. He publiſh'd a Deciſion that after Five years quiet poſſeſſion of an Eſtate, the Church was not bound to take notice whether the Title were lawful or no; but acknowledge the Poſſeſſor, in Eccleſiaſtical Buſineſſes. So much he ſaid for alms ſake. But, we muſt proceed upon other Principles, that is, the forelaid and main *baſis* of our Diſcourſe, that the common good ought to be the Rule of the Magiſtrates Title, and the Subjects Obedience.

Out of which this follows, that when ever (conſidering all things) the common good is clearly on the Poſſeſſors ſide, then the Diſpoſſeſs'd hath no Claim. Neither ought we expect till we have Aſſurance, that it will not be better for the Subject if the late Owner (after great Dangers,) gains his former Power: For, firſt, this it ſelf is uncertain. Secondly, the Succeſs of Endeavours to reſtore him muſt be hazardous. Thirdly, many and great Miſchiefs, during the time of the Attempt, are altogether unavoidable; and all this to be ballanc'd againſt thoſe uncertain Hopes. Nor, again, muſt we expect that the Wills of all the Subjects concur, actually, to the Acceptance of the

new-

new Governour: For that is either impoſſible or of ſo long Expectation, as to ruin all by Diſſenſions and Jealouſies in the mean time: Nay, the vulgar ſort are ſo eaſily led by Fancy, that they underſtand not the common good, nor what they ſhould wiſh.

But you may demand, How ſhall it be known when the common holds itſelf on the Poſſeſſor's Hand? I anſwer, we muſt firſt ſee who are the common, whoſe Welfare is to be preferr'd before private Intereſts. And preſently it appears that, dividing the whole People into Governours and govern'd; the govern'd part is the Publick to whoſe good the Governors are to direct their Pains: And that theſe are they that ſpend their Lives in ſeeking their own Profits, either by improving the Land, or in Arts and Handicrafts: Whence, it follows, when their good ſtands on the Poſſeſſors ſide, then cleerly he begins to gain Right and Power, and this is plain to be, when the Merchant, the Husbandman, and Tradeſman, with their Appendices, are in an undiſturb'd Practice of their Functions, and begin to be afraid of Change upon the Noiſe of an Invaſion.

This

This Reſolution could not be doubted, were it not that one might object, that what is ſaid ſeems true, abſtracting from Circumſtances; but it ought to be conſider'd, that ſuch Men ſee nothing but the outward Appearances of what paſſes in Human Negotiations, and ſo there may many Circumſtances lie hidden from them, which would make them think or wiſh otherwiſe if they knew them: As, for example, home-diſcontents, and Foreign Conſpiracies; which if underſtood, would make theſe Honeſt Men prefer a War, after which there is to follow a Peace far exceeding the preſent Quiet, and ſuch a one as deſerves the intervening Diſturbance and Damages.

And indeed, I allow theſe Men underſtand not ſuch Myſteries of State, nor penetrate the Value of the Hazard: But, if they do not, Why are they not alſo exempted from engaging on thoſe Motives? And then the reſt of the Commonwealth will be but ſo many private Men, who muſt follow the common. Again, if they think themſelves well, they manifeſtly conſent to the preſent Government, and therefore cut off the Title of the diſpoſſeſs'd Governour. Beſides, who can anſwer they ſhall be better by the Return

Return of the Diſpoſſeſs'd Party? Surely, by common Preſumption, the Gainer is like to defend them better than he who loſt it.

But, let us overſlip this Opportunity and End of the common good: How long muſt we expect, till it ſhall be ſuppos'd the Right of the former Magiſtrate is extinct? Some Ages. As we kept our Title to *France*, and *France* did to *Sicily* and *Naples*: Or at leaſt ſome Generations? as the Durance of the *Spaniards* Wars upon *Holland*: Or, till the former Magiſtrate declares the Relinquiſhmens of his Right? Or, till the Followers are weary of inventing new Devices, to blind and ruin their unwary Friends? All theſe are ſoon diſcern'd to be meer Uncertainties; and rather Nets to catch Fools and bring them to the ambitious Deſigns of ſome few Men, than any grounded Reaſon. But, what if an open Enemy ſhould come, could or ought the Subjects join againſt him with their new Magiſtrate? If not, the whole Publick muſt Periſh: If they may, then the Caſe is the ſame againſt their old Magiſtrate; ſince his right ſtood upon the common Peace, and that is transferr'd from him to his Rival by the Title of quiet Poſſeſſion.

THE

THE

Eighteenth GROUND.

The Objection of Divines anſwer'd.

REaſon hath play'd its part; but Authority cannot be ſilenc'd unheard. Let us therefore hearken to what it ſaith. And, firſt ſteps up the Divine to preach us, out of Scripture, the Duty we owe to Prieſts and Kings; no leſs than Death and Damnation being the Guerdons of Rebellion and Diſobedience. The Lawyers come yoak'd from the Pope's and Emperor's Court, taking for Maxime, *Tempus non occurrit Eccleſiæ & Regi.* The Practice ſeems to confirm the ſame; we ſeeing both ſome Noblemen and divers Cities make Proteſtations againſt the Poſſeſſion of others for many Years and Ages. But, what is more, they will ſpeak Reaſon too at leaſt by the Divines Mouth; who tells us, that God, by Nature, is high Lord and Maſter of all; That whoever is in Power receives his Right from him; That Obedience conſiſts in doing the Will of him who commands; and concludes that his Will ought to be obey'd till God takes away

away the Obligation, that is, till he who is to be obey'd himſelf releaſes his Right.

The Authorities they cite out of Holy Writ are, for the moſt part, meer commands to obey where Obedience is due, without ſpecifying what or when it is due. This Command is extended to wicked and evil Governours as well as good. One Place there is, where *Samuel* denounces to the People the Evils that will come to them by the Power of the King; and calls them *Jus Regis*, or, as the *Hebrew* Text, *Judicium Regis*, or *Legem Regis*, and afterward, *Regni*. And theſe Words are, in two Senſes, true; one, that the King would do the Wrongs there mention'd, by Force; the other, that the People, ſince they would have a King, ought not to reſiſt him when he did ſuch things. Yet do I not deny but, if the Particulars there mention'd, be interpreted gently, all that is there recited might, with Juſtice, be practis'd by a King: As, when it is ſaid he ſhould take away their Vineyards and Olive-gardens; it may be underſtood, upon Confiſcation and by other lawful ways. Beſides, they may peradventure alledge, that God, by his ſpecial Command, transferr'd the Kingdom from *Saul* to *David*, from *Roboam* to *Jeroboam*, and ſome

ſome others. But they ſhould alſo let us know, what they deduce from hence; for in ſuch Changes, God gave no new Authority or Power to ſuch Kings, but the ſame their Predeceſſors had: So that, in fine, all that is brought out of Scripture falls ſhort of proving that no time can make void the Right of a King once given him from the Hand of God.

The Reaſon of this weak way of alledging Scripture is, that when they read that God commands or doth this, they look not into Nature to know what this Commanding or Doing is; but preſently imagine God commands it by expreſs and direct Words, doth it by an immediate Poſition of the Things ſaid to be done; whereas in Nature the Commands are nothing but the natural Light God hath beſtow'd on Mankind, and which is therefore frequently call'd the Law of Nature. Likewiſe, God's doing a Thing is many Times only the Courſe of natural ſecond Cauſes, to which becauſe God gives the Direction and Motion, he both doth and is ſaid to do all that is done by them; as truly as the Weight of a Jack turns the Meat upon the Spit, and the Spring of a Watch makes the Clock of it ſtrike: A Notion not only of a large extent and uſe-

uſefulneſs in itſelf, but, which gives me juſt occaſion of comp'aining againſt theſe Verbal and Wind-blown Divines, as the Bane of Chriſtendom and Chriſtian Doctrine. For, whereas the Scripture is a Book enrich'd with all Science and depth of Learning; this ſort of *Grammar* Divines, without either Logick, Philoſophy, or Morality, meerly by the Vertue of their Dictionary, and ſuch like Lip-learning, undertake to be Interpreters of the Sacred *Bible*, and inſtead of the Senſe of the Letter, obtrude to the Readers their own low, and many times, phrenetical Fancies.

Let us inſtance in our preſent Queſtion The firſt Poſition they take is, That God is Lord and Maſter of all Things. What ſeems, nay truly is more conformable to Scripture and Reaſon than this Aſſertion, as it lies in Words? And yet many not looking into the Nature of God and Rational and Intelligent Subſtances, make a Shift to pervert it into a meer Blaſphemy: For, if the Sence be only this, that God is omnipotent and no Reſiſtance poſſible in any Creature to his Abſolute Will; nothing is more holy. But, this is not the Meaning of the Divines; but, that there is an Attribute or Notion in God of being

Lord

Lord and Maſter, to which, they do not ſay we cannot, but ought not reſiſt, and rather admit that we can. And herein is the firſt Faltring, that, in effect, they deny the Omnipotency, and reduce that which is a true Phyſical Power to a Moral Obligation. But this is not all.

The next Point is, that, if even this Morality were founded in that great Nature of Being, and being intelligent, which is in God Almighty; and that they alſo held his Commands were to be obey'd becauſe they proceed form an underſtanding which cannot err, and which is eſſentially the very Order and Well-being of all Creatures; the former would ſeem pardonable; but, they will have it quite contrary, that therefore Things amongſt Creatures go well, becauſe not Reaſon, not the eminential being of themſelves in God is their Off-ſpring, but becauſe a high and overpowering Will or Voice commands it ſo. A Poſition in reſpect of God, abſolutely blaſphemous; as far as it makes him work without the Guidance of his Underſtanding, that is, like the loweſt Order of Creatures, as Stocks and Stones, *&c.* It is again afflictive and vexatious to Mankind; taking away that Sweetneſs of obeying, which conſiſts in the

the Perſwaſion that becauſe Creatures are the Participation of God's own Nature, every one in its Degree, and Mankind in the firſt and higheſt place, therefore all God's Commands and Government, are moſt conformable to their good, as it were Salves to their Sores, and Allurements to the bringing them to their final End and Perfection.

But, that which is more to our purpoſe is, that, upon this Blaſphemy againſt God, they build the greateſt Inconvenience that, Peradventure, is to be found in Man's Nature; to wit, That God gives to all in Power the Likeneſs and Participation of this irrational Dominion which they conceive in him; and that truly there is in Superiors a kind of Dote or Free-gift of Maſtery deriv'd from God, in Vertue whereof he is Maſter of the Inferiors and what belongs to them, either wholly or in a certain meaſure, according to the Extent of the Power given; that, lawfully and validly, he may diſpoſe of all or a certain part of the Things under his Charge, meerly becauſe ſuch is his Will and Pleaſure, and that the Subject ought to be content to let him do his Will, upon this Score, Becauſe it is God's Will that this Man's Will ſhould

be fulfilled. Which Doctrine, tho' it be manifeſtly againſt Chriſt's Directions left to his Diſciples, and the Practice of all good Men; yet, becauſe this Treatiſe doth not pretend to Divinity, I will only inſiſt upon its natural Inconveniencies.

As firſt, that it is not connatural to Mankind: Which, conſiſting, for its better Part, in underſtanding, is not govern'd conformably to its Diſpoſition, unleſs it be ſo guided that the Underſtanding be principal and ſatisfi'd in itſelf and Leader to the Will and Action; which Courſe of Proceeding when it is obſerv'd, then is a Man truly a Man, and his Action goes on with Sweetneſs, as is before declared. Again, it makes the Governour proud, inſolent and careleſs. Proud, becauſe he takes himſelf to be of another Orb than his Subjects; that they are all Slaves and Beaſts, himſelf only Maſter, himſelf only intelligent and a Man. Inſolent, becauſe fully perſwaded, by this Doctrine, that he can do them no wrong; that they are bound to ſuffer what he lays on them; that his Pleaſure is and muſt be their Content and Rule. Careleſs, becauſe he thinks he hath no Account to make, either to God or Man: Not to God, ſince he hath ſubmitted the People to his Will and Diſpoſition;

ſition; and therefore he being incapable of doing them any wrong, cannot be charg'd with any Crime: Much leſs is he ſollicitous to content his Subjects, in whom he takes it for an Inſolency to repine at any thing, and eſteems it their Duty to commend all he does, and to have his Authority for their Rule to judge all things by.

On the other ſide, the Subject becomes baſe, reſtive, ambitious. For, the Worth and Dignity of Man, which is his Liberty or Guidance of himſelf, being taken away, it follows, he muſt be ſervile and flattering, a Slave, a Body without Soul and Underſtanding. The more worldly and ruſtick Part muſt, of neceſſity, grumble and feel it harſh to ſee their Labours diſpos'd on to People, of whom they have Opinion that they are idle, vicious, and unworthy: And therefore, deſire Liberty from ſuch a Yoke, and to become Maſters of their own Goods and Labours; and are eaſily ſuſceptible of Propoſitions tending to that purpoſe, when they come from fair Tongues. Laſtly, the higher Spirits have Government in admiration, and take it for the only Happineſs; and therefore have their Hearts wholly bent, how, by Flattery, by Cunning, by Force, to

arrive to this Power to depoſe him that is in Poſſeſſion, and ſit down themſelves in his Seat of Glory. If their Hopes mount not ſo high, for the Impoſſibility of the Fact and the Remoteneſs of their Quality; then their Aim is, by Adulation and Compliances, to come near the higheſt, to be participant of his Authority, and have the like Power to rob and oppreſs, which they eſteem vertuous and glorious in him, and not unjuſt but fitting in themſelves, as far as they can do it by the Participation of that Dote which God hath beſtow'd upon the higheſt Magiſtrate.

Laſtly, We muſt look into the common Good and publick Actions of ſuch a Government; where the Snbject, by the Conſequence of this Doctrine, is ſet eagerly upon his own Intereſt, thinks all loſt that is done for his, not Governor or Protector, but Lord and Maſter, and therefore alienated from him. Whence, it muſt come to paſs that, what he can delay, he is ſtill forward to; and, by a ſecret Inſtinct of Nature which abhorrs ſuch a Government, thinks it well done, tho' he cannot give an Account to juſtifie his Action. In a word, who ſees not this Commonwealth to be a Kingdom divided in itſelf always in Affection, and very near

near in outward Action; wanting thereunto nothing but an Occaſion, and ſome Head to manage the Sedition? Who ſees not that the whole Government is violent; and ſo may indeed continue whilſt actual Force hangs over it, but hath not the Poſſibility of a natural duration and length?

THE

Nineteenth GROUND

The Authority of Lawyers inſufficient in this Queſtion.

THE *Divines* Error being thus diſcover'd, our Plea againſt the *Lawyers* will be of leſs either debate or conſequence: For, this Queſtion belongs not to their Science or Employment. The Maxims, the Rule, the higheſt Tribunal of their Judgments is the Text of the Law, the Agreement of Men, and, at moſt to declare the Law-makes Intention: But, to judge whether the Law-makers Intention be conformable to Nature and ſuch as it ought, whether he exceeds his Power

Power, whether he be Maſter of the Laws, and the like is beyond the Verge of their Juriſdiction. Therefore, nothing is more abſurd, than to demand that Lawyers ſhould plead Caſes between a Sovereign Magiſtrate and the Subject, where the common good and Government is intereſſed: For, there, things are not to be carried by the Dictates of *Juſtinian* or or *Lancelotus*, or the Command of *Cæſar* or *Peter*'s Succeſſors, but either by the Science of Politicks, or the Certitude of Faith and Tradition; which are the only two Rules a high Governour hath. If the Divine finds any thing contrary to the known Law of God, he may ſpeak: If the Philoſopher find any thing againſt the Nature of Man, his Mouth is not to be ſtopp'd: The Lawyer, what can he ſay? It is againſt the Agreement heretofore made by the Government of the Country? The Governour may reply, Yes; but what you ſay is againſt the preſent good of the Country, with which I am entruſted. Is the Country made for the Laws, or the Laws for the Country? The Laws therefore muſt give place, where the good of the People is againſt the former Reſolutions If any Law be repealed by the Authority which made it, or by another

ther Equal; Is it the Lawyers part to plead what was Law before, or what is now? When a Supreme Governor ſpeaks as ſuch, as declaring what the preſent Neceſſity requires; if any former Law be againſt it, it is by his Declaration annull'd; it was Law before, but it is not now. But the Lawyer will reply, There is no Law in the Land which gives ſuch Authority: It is eaſily anſwer'd; it is not a Caſe for which a Law is to be made. See the *Roman* Government: When there came an Exigence of Deſperation, all their Magiſtrates, all their Forms ceas'd; a Dictator was made, whoſe word was Law, nor could any Man appeal to Law. Such is the Caſe when the high Governor pronounces againſt the Law: For he ought not to do it, but when the Law ſtands not with the good and ſafety of the Subject; and when he doth, Law is not to be pleaded againſt him.

Again, can any Law be enact'd of what ſhall be done in the Caſe of a Converſion of the Government? It is clearly a Folly to pretend it. The ordering of the Commonwealth is, then, in new Hands: The former's Power is expir'd: And to preſcribe Rules to them who will aſſuredly be their own Judges, is a piece of great Sim-

Simplicity. The Lawyer may Peradventure reply, There is no Power in the Land to repeal the former Laws or to oppoſe them. I think he will be wiſer; yet, if he doth ſay it, I ask him, Who made the former Laws? was it not the People, by themſelves or their Deputies? And which is the ſtronger, if they make them by their Deputies, or by themſelves? Certainly, it will be anſwer'd by themſelves; for the Deputies have no Power but what they impart to them. Is it then poſſible to put a Caſe, in which there is no Power in a Country to repeal Laws? Evidently, who ſays ſo, muſt ſay there is no People in the Country? For, if there be People, there is in them a Power to diſpoſe of themſelves, more ſtrong than in Deputies.

But the Lawyer may ſay, the People cannot ſpeak their Minds freely. I anſwer, certainly, they not only can, but cannot chuſe but ſpeak their Minds, in the Caſe we put. Who knows not that Liberty and ſpeaking of one's Mind belongs to all Circumſtances a Man can be put in? The Merchant that in a Tempeſt, throws the precious Fruits of his Venture and Labour into the Sea, doth not he do it freely and willingly? The *Hollanders* of late made a Peace with the *Spaniard*; we, both

both with the *Hollander* and the *Dane*, and are pretending to others: In any of these, were all parts pleas'd? Did no Party agree to somewhat which he would not have done, but in Consideration of his present Circumstances? Or, was there ever Peace made after a War, but one part grudged at somewhat? Must none of these be accounted freely done? Must none of these Promises bind, and be kept, upon Honour and Veracity? This is to destroy all commerce of Mankind; nay, not to allow Man so much Wit as to know what is fit for him to do in time of Necessity. If then the People speak, in one Circumstance, something that they would not in another; it is not to be said they speak not their Minds, but that, according to Circumstances, they alter their Minds, as all Wise Men do. They agree and submit to the present Conjunctures, not because they are not free, now as before, but because Circumstances are chang'd, and now render it fitting. But, I said that, in the Case I put, they could not chuse but speak. My Case was, that then a Governor is acknowledg'd, when the People casting off the Care and Thoughts of Innovation, fall to their Trades and Manufactures: Can it be deny'd that by so doing they acquiesce

to

to the preſent Government? Which if they do, can it be queſtion'd whether they conſent or not to the repealing of all ſuch Laws as cannot ſtand with the preſent Government? Such Laws therefore are repeal'd, not by Deputies, but by the Deputants and Maſters of the Deputies. The Lawyer, therefore, muſt either proclaim the preſent Government none, or not plead Law againſt it: For it is pure Folly to admit both, that is, fair and full Contradiction. In a new Government, all Laws prejudicial to it are annull'd, by the pure Admiſſion of it: Other *indifferent* Laws ſo go on, as to be ſubject to its Judgment, whether and how far to ſtand; but a wiſe Governor will continue them as far as he can with Prudence, becauſe Innovation is contrary to the Sweetneſs which is in Cuſtom, as in a kind of Nature.

The CONCLUSION.

BE this then ſo reſolv'd, That God himſelf hath no irrational and dead Title of Lordſhip over his Creatures, but only his all-right-ſetled Underſtanding, and irriſiſtible Omnipotency. And, as he hath

hath none in himself, so likewise not given any to those he hath put in Authority; but, that their Power is either in the Submission of the Subject by Promise and Agreement, or in the rational Disposition of the Magistrate, which makes him work what is conformable to Human Nature; and the Obedience or Obligation to obey in the Subject is out of this, That he hath entrusted the Magistrate with the Government, and is, by that, to suppose he doth regularly what is best (all things consider'd) for the common good.

That, by consequence, the Title of the Magistrate begins and dies with the good of the Commonwealth; and holds purely so long as it is good for the People. That, no Laws made by the Power or Agreement of Men, can judge betwixt Subject and Sovereign, in dispute of the common good and Government; but only the Tribunals of God and Nature, or Divinity and the Science of Politicks: And therefore, the Maxims of Law have no force in these Questions; Now, if Princes lose their Pretences by the force of Nature, it is ridiculous for private Men to build Hopes, upon Rotten Titles of Ages long pass'd, upon weak Maxims of Law, after Nature, by her Revolutions, hath cast all Law and moral Acts and Ageement. And

And so is finish'd this small Treatise, to the Profit of them who are able and willing to make use of it. Some, by the Method I have us'd, something new in moral Discourses, may imagine the Doctrine I deliver, to be more subtle in Explication then solid in Practice: But, let them either look into the Causes of Governments, or the Effects; they will see Nature and Practice both conspire to give Testimony to the Truth. The Cause of all moral Effects, if morally carried, are the End and Intention for which they are sought and endeavour'd after; This is manifest to be the Well-being of Particulars under a Government. The Practises, which are the Effects, will shew, That Governments break when it is not well with the Subjects, but they are oppress'd by the Governor; That wise and good Governors are forc'd sometimes to break disorder'd Rules which hinder their free Administration; That People, as it were, forc'd by natural Changes, violate the Promises made to their Governors, cast them off when they think them pernicious, and proceed against them, *per viam facti*, as they speak in the Schools, not by Laws, which cannot be made for such matters. These are, in a manner, the whole Subject of the Precedent Discourse.

FINIS.

B L